



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART I

#### LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

##### *Voting rights of members of certain committees*

### 13 Voting rights of members of certain committees: England and Wales.

- (1) Subject to the following provisions of this section, a person who—
- (a) is a member of a committee appointed under a power to which this section applies by a relevant authority and is not a member of that authority;
  - (b) is a member of a joint committee appointed under such a power by two or more relevant authorities and is not a member of any of those authorities; or
  - (c) is a member of a sub-committee appointed under such a power by such a committee as is mentioned in paragraph (a) or (b) above and is not a member of the relevant authority, or one of the relevant authorities, which appointed that committee,
- shall for all purposes be treated as a non-voting member of that committee, joint committee or, as the case may be, sub-committee.
- (2) The powers to which this section applies are—
- (a) the powers conferred on any relevant authority by subsection (1) of section 102 of the <sup>M1</sup>Local Government Act 1972 (ordinary committees, joint committees and sub-committees);
  - <sup>F1</sup>(b) .....
  - <sup>F2</sup>(c) .....
- (3) Nothing in subsection (1) above shall require a person to be treated as a non-voting member of a committee or sub-committee falling within subsection (4) below; but, except—
- (a) in the case of a sub-committee appointed by a committee falling within paragraph (e) of that subsection; and

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- (b) in such cases as may be prescribed by regulations made by the Secretary of State,
- a person who is a member of a sub-committee falling within that subsection shall for all purposes be treated as a non-voting member of that sub-committee unless he is a member of the committee which appointed the sub-committee.
- (4) A committee or sub-committee falls within this subsection if it is—
- <sup>F3</sup>(a) . . . . .
- (b) a local fisheries committee for any sea fisheries district;
- (c) a committee established in accordance with any regulations made by virtue of section 7 of the <sup>M2</sup>Superannuation Act 1972 (regulations making provision for the superannuation of persons employed in local government service etc.);
- <sup>F4</sup>(d) . . . . .
- (e) a committee appointed under section 102(4) of the Local Government Act 1972 (appointment of advisory committees by local authorities);
- (f) a committee constituted in accordance with [<sup>F5</sup>Part I of Schedule 33 to the Education Act 1996 (constitution of appeal committees for admission appeals etc.)];
- (g) a committee established exclusively for the purpose of discharging such functions of a relevant authority as may be prescribed by regulations made by the Secretary of State;
- (h) a sub-committee appointed by a committee falling within any of [<sup>F6</sup>paragraphs (b) to (g)] above or such a sub-committee as is so prescribed.
- <sup>F7</sup>(5) Nothing in this section shall prevent the appointment of a person who is not a member of a local education authority as a voting member of—
- (a) any committee or sub-committee appointed by the local authority wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as a local education authority,
- (b) any joint committee appointed by two or more local authorities wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as local education authorities, or
- (c) any sub-committee appointed by any such committee or joint committee wholly or partly for the purpose of discharging any of that committee's functions with respect to education,
- where that appointment is required [<sup>F8</sup>either] by directions given by the Secretary of State under section 499 of the Education Act 1996 (power of Secretary of State to direct appointment of members of committees) [<sup>F9</sup>or pursuant to regulations under subsection (6) of that section].]
- <sup>F10</sup>(5A) Nothing in this section shall prevent the appointment of a council manager of a local authority, or one other officer of that local authority in his place, as a voting member of a joint committee, or a sub-committee of such a committee, where—
- (a) that local authority have a mayor and council manager executive <sup>F11</sup>; and
- (b) the joint committee or the sub-committee has been appointed for the purpose of discharging functions which, as respects that local authority, are the responsibility of that executive.]
- <sup>F12</sup>(6) The Secretary of State may, if it appears to him appropriate to do so in consequence of the preceding provisions of this section, withdraw any approval given before the

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coming into force of this section in relation to any arrangements for the purposes of paragraph 1 of Part II of Schedule 1 to the said Act of 1944].

(7) Where a person is treated by virtue of this section as a non-voting member of any committee, joint committee or sub-committee, he shall not be entitled to vote at any meeting of the committee, joint committee or sub-committee on any question which falls to be decided at that meeting; and the reference in subsection (5) above to a voting member, in relation to any <sup>F13</sup>committee, joint committee or sub-committee appointed for the purpose mentioned in that subsection], is a reference to a person who is entitled to vote at any meeting of that committee or sub-committee on any question which falls to be decided at that meeting.

(8) In subsection (3) of section 102 of the <sup>M3</sup>Local Government Act 1972, the words from “but at least” onwards (which require at least two-thirds of certain committees to be members of the appointing authority or authorities) shall be omitted.

(9) In this section—

<sup>F14</sup>“council manager”, “executive” and “mayor and council manager executive” have the same meaning as in Part II of the Local Government Act 2000 (arrangements with respect to executives etc.); and]

<sup>F15</sup>  
. . .

“relevant authority” means a local authority of any of the descriptions specified in <sup>F16</sup>paragraphs (a) to (f) or (h) to <sup>F17</sup>(j)] of section 21(1) below or any parish or community council;

and references in this section to voting include references to making use of a casting vote.

#### Textual Amendments

- F1** S. 13(2)(b) repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 156(a), **Sch. 21 Pt. II**; S.I. 1994/507, art. 4(1), **Sch. 2**
- F2** S. 13(2)(c) repealed (1.4.2005 for E., 1.4.2006 for W.) by Children Act 2004 (c. 31), **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(h)**
- F3** S. 13(4)(a) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3262, art. 4, **Sch.** (subject to art. 5)
- F4** S. 13(4)(d) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F5** Words in s. 13(4)(f) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 96(1)(2)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 39)
- F6** Words in s. 13(4)(h) substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, ss. 43, 94(1), **Sch. 4 para. 36(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4, **Sch.** (subject to art. 5)
- F7** S. 13(5) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 96(1)(3)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 39)
- F8** Word in s. 13(5) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30**, para. 22(a) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F9** Words in s. 13(5) inserted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30**, para. 22(b) (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F10** S. 13(5A) inserted (E.) (18.5.2001) and (W.) (1.4.2002) by S.I. 2001/1517, art. 6(1)(a); S.I. 2002/803, **art. 6(1)(a)**
- F11** See regulations 11 and 12 of the [Local Authorities \(Arrangements for the Discharge of Functions\) \(England\) Regulations 2000](#) (S.I. 2000/2851) and the [Local Authorities \(Executive Arrangements\) \(Discharge of Functions\) \(Wales\) Regulations 2001](#) (S.I. 2001/2287 (W.175)).

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- F12** S. 13(6) repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 156(c), **Sch. 21 Pt. II**; S.I. 1994/507, art. 4(1), **Sch. 2**
- F13** Words in s. 13(7) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 96(1)(4)** (with ss. 1(4), 561, 562, Sch. 39 paras. 30, 39)
- F14** S. 13(9): definition inserted (E.) (18.5.2001) and (W.) (1.4.2002) by S.I. 2001/1517, art. 6(1)(b); S.I. 2002/803, **art. 6(1)(b)**
- F15** S. 13(9): the definition of “foundation governors” and the “and” immediately following it repealed (1.11.1996) by 1996 c. 56, ss. 582(1)(2), 583(2), Sch. 37 Pt. I para. 96(1)(5), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39 paras. 5, 6, 8, 30, 39)
- F16** S. 13(9): words in the definition of “relevant authority” substituted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, ss. 43, 94(1), **Sch. 4 para. 36(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4, **Sch.** (subject to art. 5)
- F17** Word in s. 13(9) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 81(3)**; S.I. 2009/3318, art. 2(c)

**Modifications etc. (not altering text)**

- C1** S. 13 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(2)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)  
 S. 13 excluded (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 9(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C2** S. 13 applied (E.) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **17(2)**
- C3** S. 13 applied (E.) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **17(2)**
- C4** S. 13 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(b), 324(1)(c)(d)** (with ss. 172(3), 185); S.I. 2010/2195, **art. 3(2)(b)**
- C5** S. 13(1) excluded (E.) (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), regs. 1(1), **16(9)** (with reg. 1(2))

**Marginal Citations**

- M1** 1972 c. 70.
- M2** 1972 c. 11.
- M3** 1972 c. 70.

**14 Voting rights of members of certain committees: Scotland.**

- (1) Subject to the following provisions of this section, a person who—
- (a) is a member of a committee appointed under subsection (1) of section 57 of the <sup>M4</sup>Local Government (Scotland) Act 1973 by a relevant authority and is not a member of that authority;
  - (b) is a member of a joint committee appointed under that subsection by two or more relevant authorities and is not a member of any of those authorities; or
  - (c) is a member of a sub-committee appointed under that subsection by such a committee as is mentioned in paragraph (a) or (b) above and is not a member of the relevant authority, or one of the relevant authorities, which appointed that committee,
- shall for all purposes be treated as a non-voting member of that committee, joint committee or, as the case may be, sub-committee.

<sup>F18</sup>(2) .....

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<sup>F18</sup>(3) .....

(4) Nothing in [<sup>F19</sup>subsection (1)] above shall require a person to be treated as a non-voting member of a committee or sub-committee falling within subsection (5) below; but, except—

- (a) in the case of a sub-committee appointed by a committee falling within paragraph (b) of that subsection; and
- (b) in such cases as may be prescribed by regulations made by the Secretary of State,

a person who is a member of a sub-committee falling within that subsection shall for all purposes be treated as a non-voting member of that sub-committee unless he is a member of the committee which appointed the sub-committee.

(5) A committee or sub-committee falls within this subsection if it is—

- (a) a committee established in accordance with any regulations made by virtue of section 7 of the <sup>M5</sup>Superannuation Act 1972 (regulations making provision for the superannuation of persons employed in local government service etc.);
- (b) a committee appointed under section 57(4) of the <sup>M6</sup>Local Government (Scotland) Act 1973 (appointment of advisory committees by local authorities);
- (c) a committee constituted in accordance with Schedule A1 to the <sup>M7</sup>Education (Scotland) Act 1980 (appeal committees for hearing placing and other appeals);

[<sup>F20</sup>(d) a Children’s Panel Advisory Committee formed under paragraph 3, or a joint advisory committee formed under paragraph 8, of Schedule 1 to the Children (Scotland) Act 1995;]

- (e) a committee established exclusively for the purpose of discharging such functions of a relevant authority as may be prescribed by regulations made by the Secretary of State;
- (f) a sub-committee appointed by a committee falling within any of paragraphs (a) to (e) above or such a sub-committee as is so prescribed.

[<sup>F21</sup>(6) Nothing in this section shall prevent the appointment as a voting member of—

- (a) a committee such as is mentioned in subsection (1) of section 124 of the <sup>M8</sup>Local Government (Scotland) Act 1973 (committees appointed by education authority); or
- (b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or
- (c) any sub-committee of such a committee or joint committee,

of a person such as is mentioned in subsection (4) of the said section 124.]

(7) Where a person is treated by virtue of this section as a non-voting member of any committee, joint committee or sub-committee, he shall not be entitled to vote at any meeting of the committee, joint committee or sub-committee on any question which falls to be decided at that meeting; and the reference in subsection (6) above to a voting member, in relation to any such committee, joint committee or sub-committee as is mentioned in that subsection, is a reference to a person who is entitled to vote at any meeting of that committee, joint committee or sub-committee on any question which falls to be decided at that meeting.

(8) In the Local Government (Scotland) Act 1973—

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- (a) in section 57(3), the words from “but at least” onwards (which require at least two-thirds of certain committees to be members of the appointing authority or authorities);
- [<sup>F22</sup>(aa) section 124(5);]
- (b) in section 161(6), the words from “but at least” onwards (which make corresponding provision in relation to a social work committee);
- (c) in Schedule 10, paragraph 11 (which requires at least half of a joint education committee to be members of the appointing authorities);
- (d) in Schedule 20, paragraph 10 (which requires at least two-thirds of a joint social work committee to be members of the appointing authorities),
- shall be omitted.

(9) In this section “relevant authority” means a [<sup>F23</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; and references in this section to voting include references to making use of a casting vote.

#### Textual Amendments

- F18** S. 14(2)(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 161(1)(7)(a), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F19** Words in s. 14(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(b)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**
- F20** S. 14(5)(d) substituted (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 49(1)(2)** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**
- F21** S. 14(6) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(d)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**
- F22** S. 14(8)(aa) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(e)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**
- F23** Words in s. 14(9) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(f)** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(c)**

#### Marginal Citations

- M4** 1973 c. 65.  
**M5** 1972 c. 11.  
**M6** 1973 c. 65.  
**M7** 1980 c.44.  
**M8** 1973 c. 65.

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