



# Localism Act 2011

## 2011 CHAPTER 20

### PART 1

#### LOCAL GOVERNMENT

### CHAPTER 8

#### PAY ACCOUNTABILITY

#### 43 Interpretation

- (1) In this Chapter “relevant authority” means—
- (a) a county council,
  - (b) a county borough council,
  - (c) a district council,
  - (d) a London borough council,
  - (e) the Common Council of the City of London in its capacity as a local authority,
  - (f) the Council of the Isles of Scilly,
  - (g) [<sup>F1</sup>the London Fire and Emergency Planning Authority,]<sup>[F1]</sup> in relation only to sections 38, 40 and 41 and this section, the London Fire Commissioner,]
  - (h) a metropolitan county fire and rescue authority, [<sup>F2</sup>or]
  - (i) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies<sup>[F3]</sup>, or
  - (j) in relation only to sections 38, 40 and 41 and this section, a fire and rescue authority created by an order under section 4A of that Act.]
- (2) In this Chapter “chief officer”, in relation to a relevant authority, means each of the following—
- (a) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989;

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*Status: Point in time view as at 31/01/2017. This version of this provision has been superseded.*

*Changes to legislation: Localism Act 2011, Section 43 is up to date with all changes known to be in force on or before 24 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (b) its monitoring officer designated under section 5(1) of that Act;
  - (c) a statutory chief officer mentioned in section 2(6) of that Act;
  - (d) a non-statutory chief officer mentioned in section 2(7) of that Act;
  - (e) a deputy chief officer mentioned in section 2(8) of that Act.
- (3) In this Chapter “remuneration”, in relation to a chief officer and a relevant authority, means—
- (a) the chief officer's salary or, in the case of a chief officer engaged by the authority under a contract for services, payments made by the authority to the chief officer for those services,
  - (b) any bonuses payable by the authority to the chief officer,
  - (c) any charges, fees or allowances payable by the authority to the chief officer,
  - (d) any benefits in kind to which the chief officer is entitled as a result of the chief officer's office or employment,
  - (e) any increase in or enhancement of the chief officer's pension entitlement where the increase or enhancement is as a result of a resolution of the authority, and
  - (f) any amounts payable by the authority to the chief officer on the chief officer ceasing to hold office under or be employed by the authority, other than amounts that may be payable by virtue of any enactment.
- (4) In this Chapter “terms and conditions”, in relation to a chief officer and a relevant authority, means the terms and conditions on which the chief officer holds office under or is employed by the authority.
- (5) References in this Chapter to the remuneration of, or the other terms and conditions applying to, a chief officer include—
- (a) the remuneration that may be provided to, or the terms and conditions that may apply to, that chief officer in the future, and
  - (b) the remuneration that is to be provided to, or the terms and conditions that are to apply to, chief officers of that kind that the authority may appoint in the future.
- (6) In this Chapter “remuneration”, in relation to a relevant authority and an employee of its who is not a chief officer, means—
- (a) the employee's salary,
  - (b) any bonuses payable by the authority to the employee,
  - (c) any allowances payable by the authority to the employee,
  - (d) any benefits in kind to which the employee is entitled as a result of the employee's employment,
  - (e) any increase in or enhancement of the employee's pension entitlement where the increase or enhancement is as a result of a resolution of the authority, and
  - (f) any amounts payable by the authority to the employee on the employee ceasing to be employed by the authority, other than any amounts that may be payable by virtue of any enactment.
- (7) References in this Chapter to the remuneration of an employee who is not a chief officer include—
- (a) the remuneration that may be provided to that employee in the future, and
  - (b) the remuneration that is to be provided to employees of the same kind that the authority may employ in the future.

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(8) In this Chapter—

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);

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

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#### **Textual Amendments**

- F1** S. 43(1)(g) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 2 para. 120](#); S.I. 2018/227, [reg. 4\(c\)](#)
- F2** Word in s. 43(1)(h) omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 94\(3\)\(a\)](#); S.I. 2017/399, reg. 2, Sch. para. 38
- F3** S. 43(1)(j) and preceding word inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 94\(3\)\(b\)](#); S.I. 2017/399, reg. 2, Sch. para. 38

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#### **Commencement Information**

- I1** S. 43 in force for E. at 15.1.2012 see [s. 240\(1\)\(b\)](#)
- I2** S. 43 in force at 31.1.2012 for W. by [S.I. 2012/193](#), [art. 2\(a\)](#)

**Status:**

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**Changes to legislation:**

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