



Local Government and Housing Act 1989

1989 CHAPTER 42

PART V

COMPANIES IN WHICH LOCAL AUTHORITIES HAVE INTERESTS

73 Authorities acting jointly and by committees.

(1) In any case where—

- (a) apart from this section a company would not be under the control of anyone local authority, but
- (b) if the actions, powers and interests of two or more local authorities were treated as those of one authority alone, the company would be under the control of that one authority,

the company shall be treated for the purposes of this Part as under the control of each of the two or more local authorities mentioned in paragraph (b) above.

(2) In any case where, apart from this section, a company would not be treated as being subject to the influence of any one local authority, it shall be treated as being subject to the influence of each of a number of local authorities (in this section referred to as a “group”) if the conditions in subsection (3) below are fulfilled with respect to the company and the group of authorities.

(3) The conditions referred to in subsection (2) above are—

- (a) that at least one of the conditions in paragraphs (a) to (e) of subsection (3) of section 69 above would be fulfilled—
 - (i) if any reference therein to the company being under the control of a local authority were a reference to its being under the control of any one of the authorities in the group or of any two or more of them taken together; and
 - (ii) if any other reference therein to the local authority were a reference to any two or more of the authorities in the group taken together; and
- (b) that at least one of the conditions in paragraphs (a) to (c) of subsection(1) of section 69 above would be fulfilled if any reference therein to the local

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- authority were a reference to those local authorities who are taken into account under sub-paragraph (i) or sub-paragraph (ii) of paragraph (a) above taken together; and
- (c) that if the condition (or one of the conditions) which would be fulfilled as mentioned in paragraph (b) above is that in subsection (1)(a) of section 69 above, then, so far as concerns each local authority in the group, at least one person who, in terms of subsection (5) of that section, is associated with that authority has the right to vote at a general meeting of the company; and
- (d) that, if paragraph (c) above does not apply, then, so far as concerns each local authority in the group, a person who, in terms of section 69(5) above, is associated with the authority is a director of the company.
- (4) For the purposes of this Part, anything done, and any power exercisable, by a committee or sub-committee of a local authority, or by any of the authority's officers [^{F1}or, where a local authority is operating executive arrangements under Part II of the Local Government Act 2000, by the authority's executive, any committee of the executive, or any member of the executive], shall be treated as done or, as the case may be, exercisable by the authority.
- (5) For the purposes of this Part, anything done, and any power exercisable, by a joint committee of two or more local authorities or by a sub-committee of such a joint committee shall be treated as done or, as the case may be, exercisable by each of the local authorities concerned.

Textual Amendments

- F1** Words in s. 73(4) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, arts. 1(2), 26(2); S.I. 2002/808, arts. 1(2), 25(2)

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