

Status: Point in time view as at 20/12/2023.

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SCHEDULES

SCHEDULE 5

Section 26.

MATTERS NOT SUBJECT TO INVESTIGATION

Modifications etc. (not altering text)

- C1** Sch. 5 amended by [S.I. 1988/242](#), [art. 2](#)
- C2** Sch. 5 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), regs. 1(1), 3-6, [Sch. Pt. 2](#)

- 1 The commencement or conduct of civil or criminal proceedings before any court of law.
- 2 Action taken by [^{F1}or on behalf of] any [^{F2}local policing body] in connection with the investigation or prevention of crime.

Textual Amendments

- F1** Words in Sch. 5 para. 2 inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 12 para. 12](#); [S.I. 2008/917](#), art. 2(1)(n) (with art. 6(5))
- F2** Words in Sch. 5 para. 2 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 122](#); [S.I. 2011/3019](#), art. 3, Sch. 1

- [^{F3}3 (1) Action taken in matters relating to contractual or other commercial transactions of any authority to which Part 3 of this Act applies relating to—
- (a) the operation of public passenger transport;
 - (b) the carrying on of a dock or harbour undertaking;
 - (c) the provision of entertainment;
 - (d) the provision and operation of industrial establishments;
 - (e) the provision and operation of markets.
- (2) Sub-paragraph (1) does not include transactions for or relating to—
- (a) the acquisition or disposal of land;
 - (b) the acquisition or disposal of moorings which are not moorings provided in connection with a dock or harbour undertaking.
- (3) Sub-paragraph (1)(a) does not include action taken by or on behalf of the London Transport Users Committee in operating a procedure for examining complaints or reviewing decisions.
- (4) Sub-paragraph (1)(e) does not include transactions relating to—
- (a) the grant, renewal or revocation of a licence to occupy a pitch or stall in a fair or market, or
 - (b) the attachment of any condition to such a licence.]

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Textual Amendments

- F3** Sch. 5 para. 3 substituted (1.4.2008 in relation to matters coming to the attention of the Commission on or after 1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), [ss. 173\(4\), 245\(5\)](#); [S.I. 2008/917](#), [art. 2\(1\)\(i\)](#) (with [art. 6\(5\)](#))

4 Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters.

5 ^{F4}(1)

(2) Any action concerning—

- (a) the giving of instruction, whether secular or religious, or
(b) conduct, curriculum, internal organisation, management or discipline,

[^{F5}in any school or other educational establishment maintained by the authority [^{F6}except so far as relating to special educational needs (within the meaning given [^{F7}by section 579(1)] of the Education Act 1996)] [^{F8}or additional learning needs (within the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018)].

Textual Amendments

- F4** S. 5(1) repealed (1.10.1998) by [1998 c. 31](#), [s. 140\(3\)](#), [Sch. 31](#) (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1998/2212](#), [art. 2\(1\)](#), [Sch. 1 Pt. I](#)
- F5** Words substituted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 231\(7\), 235\(6\), 237\(1\)](#), [Sch. 12 para. 71](#)
- F6** Words in Sch. 5 para. 5(2) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 261, 269\(4\)](#); [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)
- F7** Words in Sch. 5 para. 5(2)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), [s. 139\(6\)](#), [Sch. 3 para. 63](#); [S.I. 2014/889](#), [art. 7\(a\)](#)
- F8** Words in Sch. 5 para. 5(2)(b) inserted (1.9.2021) by [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), [regs. 1, 2\(2\)](#)

[^{F9}5A Action which—

- (a) is taken by or on behalf of a local authority in its capacity as a registered provider of social housing, and
(b) is action in connection with its housing activities so far as they relate to the provision or management of social housing (and here “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008).

Textual Amendments

- F9** [Sch. 5 paras. 5A, 5B](#) inserted (1.4.2013 for E.) by [Localism Act 2011 \(c. 20\)](#), [ss. 181\(1\)\(a\), 240\(2\)](#) (with [s. 181\(10\)](#)); [S.I. 2013/722](#), [art. 2\(c\)](#)

5B In the case of a local authority which is a registered provider of social housing, action taken by or on behalf of the authority in connection with the management of dwellings owned by the authority and let on a long lease (and here “long lease” has the meaning given by section 59(3) of the Landlord and Tenant Act 1987).]

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Textual Amendments

- F9** Sch. 5 paras. 5A, 5B inserted (1.4.2013 for E.) by [Localism Act 2011 \(c. 20\)](#), [ss. 181\(1\)\(a\)](#), 240(2) (with [s. 181\(10\)](#)); [S.I. 2013/722](#), [art. 2\(c\)](#)

- [^{F106} Action taken by [^{F11}or on behalf of] an authority mentioned in section 25(1)(ba) [^{F12}or (bb)] of this Act which is [^{F13}not action in connection with functions in relation to housing][^{F13}—
- (a) action in connection with functions in relation to social housing (and here “social housing” has the same meaning as in Part 2 of the Housing and Regeneration Act 2008), or
 - (b) action in connection with functions in relation to anything other than housing.]]

Textual Amendments

- F10** Sch. 5 paras. 6 and 7 inserted by [Local Government Act 1988 \(c. 9, SIF 81:1, 2\)](#), s. 29, [Sch. 3 para. 10](#)
- F11** Words in Sch. 5 para. 6 inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 12 para. 12](#); [S.I. 2008/917](#), [art. 2\(1\)\(n\)](#) (with [art. 6\(5\)](#))
- F12** Words in Sch. 5 para. 6 substituted (1.10.1998) by [1998 c. 38](#), s. 129, [Sch. 15 para. 3](#) (with [ss. 139\(2\)](#), [143\(2\)](#)); [S.I. 1998/2244](#), [art. 4](#)
- F13** Sch. 5 para. 6(a)(b) substituted for words (1.4.2013 for E.) by [Localism Act 2011 \(c. 20\)](#), [ss. 181\(1\)\(b\)](#), 240(2) (with [s. 181\(10\)](#)); [S.I. 2013/722](#), [art. 2\(c\)](#)

- 7 Action taken by [^{F14}or on behalf of] an authority mentioned in section 25(1)(bd) of this Act which is not action in connection with functions in relation to town and country planning.

Textual Amendments

- F14** Words in Sch. 5 para. 7 inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 12 para. 12](#); [S.I. 2008/917](#), [art. 2\(1\)\(n\)](#) (with [art. 6\(5\)](#))

- [^{F158} Action taken by [^{F16}or on behalf of] the [^{F17}Homes and Communities] Agency which is not action in connection with functions in relation to town and country planning.]

Textual Amendments

- F15** Sch. 5 para. 8 inserted (10.11.1993) by [1993 c. 28](#), s. 187(1), [Sch. 21 para. 6\(3\)](#); [S.I. 1993/2762](#), [art.3](#).
- F16** Words in Sch. 5 para. 8 inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), s. 245(5), [Sch. 12 para. 12](#); [S.I. 2008/917](#), [art. 2\(1\)\(n\)](#) (with [art. 6\(5\)](#))
- F17** Words in Sch. 5 para. 8 substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 18\(4\)](#); [S.I. 2008/3068](#), [art. 2\(1\)\(w\)\(3\)](#) (with [arts. 6-13](#))

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