



Local Government and Housing Act 1989

1989 CHAPTER 42

PART I

LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

Interpretation of Part I

21 Interpretation of Part I.

- (1) Any reference in this Part to a local authority is, in relation to England and Wales, a reference to a body of one of the following descriptions—
- (a) a county council;
 - [^{F1}(aa) a county borough council;]
 - (b) a district council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London in its capacity as a local authority, police authority or port health authority;
 - (e) the Council of the Isles of Scilly;
 - [^{F2}(f) 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;]
 - ^{F3}(g)
 - ^{F4}(ga)
 - (h) an authority established under section 10 of the ^{M1}Local Government Act 1985 (waste disposal authorities);
 - (i) a joint authority established by Part IV of that Act [^{F5}(fire and rescue services and transport)]^{F6} ...;
 - (j) any body established pursuant to an order under section 67 of that Act (successors to residuary bodies);
 - [^{F7}(ja) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

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- (jb) a combined authority established under section 103 of that Act];
 - [^{F8}(jc) a sub-national transport body established under section 102E of the Local Transport Act 2008;]
 - (k) the Broads Authority;
 - (l) any joint board the constituent members of which consist of any of the bodies specified above; [^{F9} . . .]
 - ^{F10}(m) [^{F11}and
 - (n) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the ^{M2}Town and Country Planning Act 1990.]
- [^{F12}(1A) In section 7 references to a local authority include a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.
- (1B) In the application of section 1(1) to a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 by virtue of subsection (1A) the reference to being or remaining a member of a local authority is to be read as a reference to becoming or remaining such an authority.]
- [^{F13}(1C) In the following provisions of this Part references to a local authority include the London Fire Commissioner—
- (a) section 7 (all staff to be appointed on merit), and
 - (b) section 10 (limit on paid leave for local authority duties).
- (1D) In the application of section 1(1) to the London Fire Commissioner by virtue of subsection (1C) the reference to being or remaining a member of a local authority is to be read as a reference to becoming or remaining the London Fire Commissioner.]
- (2) Any reference in this Part to a local authority is, in relation to Scotland, a reference to a [^{F14}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] or a joint board within the meaning of section 235(1) of the ^{M3}Local Government (Scotland) Act 1973.
- (3) In this Part—
- “contravention” includes a failure to comply;
 - [^{F15}“corporate joint committee” means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;]
 - [^{F16}[^{F17}“council manager”], “executive”, “executive arrangements” [^{F17}and “mayor and council manager executive”] have the same meaning as in Part II of the Local Government Act 2000;]
 - “modifications” includes additions, alterations and omissions;
 - “proper officer”—
 - (a) in relation to a local authority in England and Wales [^{F18}or a corporate joint committee], has the same meaning as in the Local Government Act 1972; and
 - (b) in relation to a local authority in Scotland, has the same meaning as in the Local Government (Scotland) Act 1973; and
 - ^{M4}“subordinate legislation” has the same meaning as in the Interpretation Act 1978.

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- (4) References in this Part to an officer of a local authority or to a paid office under a local authority do not include references to, or to the office of, the chairman or vice-chairman of the authority (whether referred to as such, as mayor, Lord Mayor, deputy mayor, as Lord Provost or otherwise [^{F19} or a member of any executive of the authority (other than a council manager)]).

Textual Amendments

- F1** S. 21(1)(aa) inserted (7.1.1997) by [S.I. 1996/3071](#), art. 2, **Sch. para. 3(3)**
- F2** S. 21(1)(f) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, **Sch. 1 para. 71(2)**; [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2
- F3** S. 21(1)(g) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 204(2)**; [S.I. 2012/2892](#), art. 2(i)
- F4** S. 21(1)(ga) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(24)(a)**; [S.I. 2015/994](#), art. 6(g)
- F5** Words in s. 21(1)(i) substituted (1.4.2005) by [Civil Contingencies Act 2004 \(c. 36\)](#), s. 34(1), **Sch. 2 para. 10(3)(b)**; [S.I. 2005/772](#), art. 2(b)
- F6** Words in s. 21(1)(i) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 2 para. 89(2)**; [S.I. 2018/227](#), reg. 4(c)
- F7** S. 21(1)(ja)(jb) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 81(5)**; [S.I. 2009/3318](#), art. 2(c)
- F8** S. 21(1)(jc) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), s. 25(2), **Sch. 5 para. 12(5)**
- F9** Word in s. 21(1)(l) omitted (23.11.1995) by virtue of 1995 c. 25, s. 78, **Sch. 10 para. 31(1)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); [S.I. 1995/2950](#), art. 2(1)
- F10** S. 21(1)(m) repealed (1.4.1997) by 1995 c. 25, s. 120(1), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), art. 2, **Sch.**
- F11** S. 21(1)(n) and the preceding “and” added (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 31(1)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); [S.I. 1995/2950](#), art. 2(1)
- F12** S. 21(1A)(1B) 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. 64**; [S.I. 2017/399](#), reg. 2, [Sch. para. 38](#)
- F13** S. 21(1C)(1D) inserted (31.1.2017 for specified purposes, 22.3.2018 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 2 para. 89(3)**; [S.I. 2018/227](#), reg. 3(1)(d)(iii)
- F14** Words in s. 21(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(8)**; [S.I. 1996/323](#), art. 4(1)(c)
- F15** Words in s. 21(3) inserted (W.) (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **40**
- F16** S. 21(3): definition inserted (E.) (11.7.2001) and (W.) (1.4.2002) by [S.I. 2001/2237](#), arts. 1(2), 25(a); [S.I. 2002/808](#), arts. 1(2), **24(a)**
- F17** Words in s. 21(3) repealed (W.) (10.7.2011) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), ss. 34(8)(d), 178(2), **Sch. 4 Pt. B**
- F18** Words in s. 21(3) inserted (W.) (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **9(3)**
- F19** Words in s. 21(4) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by [S.I. 2001/2237](#), arts. 1(2), 25(b); [S.I. 2002/808](#), arts. 1(2), **24(b)**

Modifications etc. (not altering text)

- C1** S. 21 applied (S.) (temp.) (6.4.1995 to 1.4.1996) by [S.I. 1995/789](#), art. 2, **Sch. entry 11**

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Marginal Citations

M1 1985 c. 51.

M2 1990 c. 8.

M3 1973 c. 65.

M4 1978 c. 30.

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