



# 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) .....
  - (c) the powers exercisable by any relevant authority for the purposes of section 2 of the <sup>M2</sup>Local Authority Social Services Act 1970 (social services committees) or by virtue of section 4 of that Act (joint social services committees and sub-committees).

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*Changes to legislation: Local Government and Housing Act 1989, Cross Heading: Voting rights of members of certain committees is up to date with all changes known to be in force on or before 21 June 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)*

- (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
  - (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>F2</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>M3</sup>Superannuation Act 1972 (regulations making provision for the superannuation of persons employed in local government service etc.);
  - (d) a National Parks Committee;
  - (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 Part I of Schedule 2 to the <sup>M4</sup>Education Act 1980 (appeal committees for hearing school admissions appeals);
  - (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>F3</sup>paragraphs (b) to (g)] above or such a sub-committee as is so prescribed.
- <sup>F4</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 by directions given by the Secretary of State under section 297 of the Education Act 1993 (power of Secretary of State to direct appointment of members of committees).]
- <sup>F5</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 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

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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>F6</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>M5</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—

“foundation governors” has the same meaning as in the Education Act 1944; and

“relevant authority” means a local authority of any of the descriptions specified in [<sup>F7</sup>paragraphs (a) to (f) or (h) to (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(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)
- F3** 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)
- F4** S. 13(5) substituted (1.4.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 156(b)**; S.I. 1994/507, art. 4(1), **Sch. 2** (which substitution falls (1.11.1996) by reason of the repeal of 1993 c. 35 by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with ss. 1(4), 561, 562, Sch. 39 paras. 5, 6, 8, 9, 30, **39**))
- F5** 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**
- F6** Words in s. 13(7) substituted (1.4.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 156(d)**; S.I. 1994/507, art. 4(1), **Sch. 2** (which substitution falls (1.11.1996) by reason of the repeal of 1993 c. 35 by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with ss. 1(4), 561, 562, Sch. 39 paras. 5, 6, 8, 9, 30, **39**))
- F7** 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)

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

- C1** S. 13 extended (E.W.) (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)

#### Marginal Citations

- M1** 1972 c. 70.  
**M2** 1970 c. 42.  
**M3** 1972 c. 11.  
**M4** 1980 c. 20.  
**M5** 1972 c. 70.

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## **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>M6</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.
- (2) Subject to the following provisions of this section, a person who—
- (a) is a member of an education committee appointed under section 124 of the Local Government (Scotland) Act 1973 by an education authority and is not a member of that authority;
  - (b) is a member of a joint committee appointed under paragraph 7 of Schedule 10 to that Act by two or more education authorities and is not a member of any of these authorities; or
  - (c) is a member of a sub-committee appointed under paragraph 8 of that Schedule by an education committee or such a joint committee and is not a member of the education committee or, as the case may be, one of the education authorities which appointed the joint 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.
- (3) Subject to the following provisions of this section, a person who—
- (a) is a member of a social work committee appointed under section 2 of the <sup>M7</sup>Social Work (Scotland) Act 1968 by a local authority for the purposes of that Act and is not a member of that authority;
  - (b) is a member of a joint committee appointed under paragraph 6 of Schedule 20 to the Local Government (Scotland) Act 1973 by two or more such authorities and is not a member of any of those authorities; or
  - (c) is a member of a sub-committee appointed under paragraph 7 of that Schedule by a social work committee or such a joint committee and is not a member of the social work committee or, as the case may be, one of the local authorities which appointed the joint 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.
- (4) Nothing in subsections (1) to (3) 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,

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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>M8</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>M9</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>M10</sup>Education (Scotland) Act 1980 (appeal committees for hearing placing and other appeals);
  - (d) a Children’s Panel Advisory Committee formed under paragraph 3 of Schedule 3 to the <sup>M11</sup>Social Work (Scotland) Act 1968;
  - (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.
- (6) Nothing in this section shall prevent the appointment as a voting member of—
- (a) an education committee; or
  - (b) a joint committee appointed under paragraph 7 of Schedule 10 to the Local Government (Scotland) Act 1973; or
  - (c) a sub-committee appointed under paragraph 8 of that Schedule,
- of a person appointed to the education committee under paragraph (a) of subsection (3) of section 124 of that Act (appointment of certain persons to education committees).
- (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—
- (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);
  - (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.

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(9) In this section “relevant authority” means a regional, islands or district council; and references in this section to voting include references to making use of a casting vote.

**Marginal Citations**

- M6** 1973 c. 65.
- M7** 1968 c. 49.
- M8** 1972 c. 11.
- M9** 1973 c. 65.
- M10** 1980 c.44.
- M11** 1968 c. 49.

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