

*Status: Point in time view as at 16/01/2012.*

**Changes to legislation:** Local Government and Housing Act 1989, SCHEDULE 1 is up to date with all changes known to be in force on or before 26 July 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)

## SCHEDULES

### SCHEDULE 1

Section 15.

#### POLITICAL BALANCE ON LOCAL AUTHORITY COMMITTEES ETC.

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

- C1** Sch. 1 applied (with modifications) (8.5.2000) by 1999 c. 29, s. 57 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), Sch. Pt. 2

##### Commencement Information

- II** Sch. 1 partly in force; Sch. 1 not in force at Royal Assent see s. 195(2); Sch. 1 in force for certain purposes at 16.1.1990 by S.I. 1989/2445, art. 4; Sch. 1 in force at 1.8.1990 as it applies in relation to England and Wales and in so far as it is not already in force by S.I. 1990/1552, art. 3.

#### *Bodies to which section 15 applies*

- 1 Subject to such exceptions as may be prescribed by regulations made by the Secretary of State, section 15 of this Act applies, in relation to any relevant authority or committee of a relevant authority—
- (a) to any ordinary committee or ordinary sub-committee of the authority;
  - (b) to any advisory committee of the authority and to any sub-committee appointed by such an advisory committee; and
  - (c) to any such body falling within paragraph 2 below as is a body at least three seats on which fall from time to time to be filled by appointments made by the authority or committee.
- 2 (1) For the purposes of paragraph 1 above, in its application in relation to relevant authorities in England and Wales or the committees of such authorities, a body falls within this paragraph if it is a body of any of the following descriptions, that is to say—
- (a) a relevant authority which is a local authority of any of the descriptions specified in [<sup>F1</sup>paragraphs (f) or (h) to [<sup>F2</sup>(j)(b)]] of section 21(1) of this Act;
  - (b) a local authority of any of the descriptions specified in [<sup>F3</sup>paragraphs (k), <sup>F4</sup>. . . and (n)] of section 21(1) of this Act;
  - [<sup>F5</sup>(ba) a National Park authority;]
  - [<sup>F6</sup>(bb) a conservation board established by order under section 86 of the Countryside and Rights of Way Act 2000;]
  - [<sup>F7</sup>(bc) an inshore fisheries and conservation authority for a district established under section 149 of the Marine and Coastal Access Act 2009;]
  - <sup>F8</sup>(c) . . . . .
  - <sup>F9</sup>(d) . . . . .
  - (e) a committee established in accordance with any regulations made by virtue of section 7 of the <sup>M1</sup>Superannuation Act 1972 (regulations making provision

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for the superannuation of persons employed in local government service etc.);

<sup>F10</sup>(f)

(g) a board or committee appointed by one or more relevant authorities in exercise of a power conferred by a local enactment, being a board or committee seats on which are required to be filled by the appointment of members of that authority or of those authorities;

(h) a joint committee not falling within sub-paragraphs (a) to (g) above appointed by two or more relevant authorities under section 102(1)(b) of the <sup>M2</sup>Local Government Act 1972.

(2) For the purposes of paragraph 1 above, in its application in relation to relevant authorities in Scotland or to the committees of such authorities, a body falls within this paragraph if it is—

(a) a joint board within the meaning of section 235(1) of the <sup>M3</sup>Local Government (Scotland) Act 1973;

(b) a board or committee appointed by one or more relevant authorities in exercise of a power conferred by a local enactment, being a board or committee seats on which are required to be filled by the appointment of members of that authority or of those authorities;

(c) a joint committee appointed by two or more relevant authorities under section 57(1)(b) of the Local Government (Scotland) Act 1973.

#### Textual Amendments

- F1** Words in Sch. 1 para. 2(1)(a) substituted (1.10.1994 for certain purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. 1 para. 44(a)**; S.I. 1994/2025, **art. 6(1)(2)(g)**; S.I. 1994/3262, art. 4, **Sch.** (subject to transitional provision in art. 5)
- F2** Word in Sch. 1 para. 2(1)(a) substituted (17.12.2009) by *Local Democracy, Economic Development and Construction Act 2009 (c. 20)*, s. 148(6), **Sch. 6 para. 81(8)(a)**; S.I. 2009/3318, art. 2(c)
- F3** Words in Sch. 1 para. 2(1)(b) substituted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 31(5)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2**
- F4** Word “(m)” in Sch. 1 para. 2(1)(b) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, art. 2, **Sch.**
- F5** Sch. 1 para. 2(1)(ba) inserted (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 2(8)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- F6** Sch. 1 para. 2(1)(bb) inserted (1.4.2001 for E. and 1.5.2001 for W.) by 2000 c. 37, s. 86(2), **Sch. 13 para. 4(7)** (with s. 84(4)-(6)); S.I. 2001/114, **art. 2(2)(e)**; S.I. 2001/1410, **art. 2(g)**
- F7** Sch. 1 para. 2(1)(bc) inserted (1.10.2010) by *Marine and Coastal Access Act 2009 (c. 23)*, s. 324(3), **Sch. 14 para. 15**; S.I. 2010/2195, art. 3(2)(l)
- F8** Sch. 1 para. 2(1)(c) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. 1**; S.I. 1994/3262, art. 4, **Sch.** (subject to transitional provision in art. 5)
- F9** **Sch. 1 para. 2(1)(d)** repealed (1.4.2010 for W., 1.4.2011 for E.) by *Marine and Coastal Access Act 2009 (c. 23)*, s. 324(3), **Sch. 22 Pt. 4**; S.I. 2010/630, art. 3(b) (with arts. 8, 12); S.I. 2011/556, art. 2(2)(o) (with art. 2(3))
- F10** Sch. 1 para. 2(1)(f) repealed (1.4.1997) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1996/2560, art. 2, **Sch.**

#### Marginal Citations

- M1** 1972 c. 11.  
**M2** 1972 c. 70.

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M3 1973 c.65.

*Construction of sections 15 to 17*

- 3 (1) The Secretary of State may, for the purposes of sections 15 and 16 of this Act, by regulations make provision—
- (a) as to the circumstances in which the members of a relevant authority are to be treated as divided into different political groups;
  - (b) as to the persons who are to be treated as members of such a group and as to when a person is to be treated as having ceased to be a member of such a group;
  - (c) requiring the question whether a person is or is not a member of a political group to be determined in such manner as may be provided for by or under the regulations;
  - (d) specifying the manner in which, and times at which, the wishes of such a group are to be expressed and the consequences of a failure by such a group to express its wishes.
- (2) Regulations under this paragraph may make provision modifying the provisions of sections 15 and 16 of this Act in relation to any case in which some of the members of a relevant authority fall to be treated as members of one or more political groups and the others do not.
- 4 (1) In sections 15 to 17 of this Act and this Schedule—
- “advisory committee”, in relation to a relevant authority, means a committee appointed by the authority under section 102(4) of the <sup>M4</sup>Local Government Act 1972 or section 57(4) of the <sup>M5</sup>Local Government (Scotland) Act 1973 (advisory committees);
- <sup>F11</sup> . . .
- “membership”, in relation to a relevant authority, means the number of persons who are for the time being members of the authority, disregarding any person who is treated as continuing to be a member of the authority by virtue of section 3(3) of the Local Government Act 1972 (chairman to continue as a member until replaced);
- “ordinary committee”—
- (a) in relation to any relevant authority in England and Wales, means [<sup>F12</sup>any committee] of the authority appointed under section 102(1) (a) of the Local Government Act 1972, not being a body to which section 15 of this Act applies by virtue of paragraph 2 above; and
  - (b) in relation to any relevant authority in Scotland, means <sup>F13</sup>. . . any committee of the authority appointed under section 57(1)(a) of the Local Government (Scotland) Act 1973;
- “relevant authority”—
- (a) in relation to England and Wales, means a local authority of any of the descriptions specified in [<sup>F14</sup>paragraphs (a) to (c), (f) or (h) to [<sup>F15</sup>(j)]] of section 21(1) of this Act; and
  - (b) in relation to Scotland, means a local authority;
- and

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“seat”, in relation to a body to which section 15 of this Act applies, means such a position as a member of that body as—

- (a) entitles the person holding the position to vote at meetings of the body on any question which falls to be decided at such a meeting; and
- (b) in the case of a position as member of an advisory committee or of a sub-committee appointed by an advisory committee, is not a position which the authority or committee have determined must be filled by the appointment of a person who is not a member of the authority.

(2) In this Schedule—

“ordinary sub-committee”—

- (a) in relation to any relevant authority in England and Wales, means any sub-committee of the authority’s<sup>F16</sup> . . . social services committee or any other sub-committee of that authority appointed under section 102(1)(c) of the<sup>M6</sup> Local Government Act 1972 by an ordinary committee of that authority; and
- (b) in relation to any relevant authority in Scotland, means any sub-committee of an ordinary committee;

F17

...

F18

... ..

(3) References in this paragraph to voting include references to making use of a casting vote.

#### Textual Amendments

- F11** Sch. 1 para. 4(1): definition of “education committee” repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 157(a)(ii), **Sch. 21 Pt. 2**; S.I. 1994/507, **art. 4 Sch. 2**
- F12** Words in Sch. 1 para. 4(1) substituted (E.W.) (1.4.2005 for E., 1.4.2006 for W.) by **Children Act 2004** (c. 31), **ss. 55(4), 67(7)(e)**; S.I. 2005/394, **art. 2(2)(f)**; S.I. 2006/885, **art. 2(e)**
- F13** Sch. 1 para. 4(1): words in definition of “ordinary committee” repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(d), Sch. 2**
- F14** Sch. 1 para. 4(1): words in definition of “relevant authority” substituted (1.10.1994 for certain purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. 1 para. 44(b)**; S.I. 1994/2025, **art. 6(1)(2)(g)**; S.I. 1994/3262, **art. 4, Sch.** (subject to transitional provision in art. 5)
- F15** Word in Sch. 1 para. 4(1) substituted (17.12.2009) by **Local Democracy, Economic Development and Construction Act 2009** (c. 20), s. 148(6), **Sch. 6 para. 81(8)(b)**; S.I. 2009/3318, **art. 2(c)**
- F16** Sch. 1 para. 4(2): words in definition of “ordinary sub-committee” repealed (1.4.1994) by 1993 c. 35, s. 307(1)(3), Sch. 19 para. 157(b), **Sch. 21 Pt. 2**; S.I. 1994/507, **art. 4 Sch. 2**
- F17** Words in Sch. 1 para. 4(2) repealed (E.W.) (1.4.2005 for E., 1.4.2006 for W.) by **Children Act 2004** (c. 31), **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**; S.I. 2006/885, **art. 2(h)**
- F18** Sch. 1 para. 4(2): definition of “social work committee” and the word “and” immediately preceding it repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14** (with s. 128(8)); S.I. 1996/323, **art. 4(1)(d), Sch. 2**

#### Marginal Citations

- M4** 1972 c. 70.  
**M5** 1973 c. 65.  
**M6** 1972 c. 70.

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*Supplemental regulation making power*

- 5 Regulations under section 15 or 17 of this Act or under this Schedule may contain such incidental provision and such supplemental, consequential and transitional provision in connection with their other provisions as the Secretary of State considers appropriate.

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