

*Status: Point in time view as at 17/12/2009.*

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## SCHEDULES

### SCHEDULE 1

#### 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.

#### *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—
- as to the circumstances in which the members of a relevant authority are to be treated as divided into different political groups;
  - 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;
  - 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;
  - 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>M1</sup>Local Government Act 1972 or section 57(4) of the <sup>M2</sup>Local Government (Scotland) Act 1973 (advisory committees);
- <sup>F1</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

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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>F2</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>F3</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>F4</sup>paragraphs (a) to (c), (f) or (h) to [<sup>F5</sup>(jb)]] of section 21(1) of this Act; and
- (b) in relation to Scotland, means a local authority;

and

“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>F6</sup>. . . social services committee or any other sub-committee of that authority appointed under section 102(1)(c) of the <sup>M3</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;

<sup>F7</sup>  
...

<sup>F8</sup>  
. . .

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

#### Textual Amendments

- F1** 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**
- F2** 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)**
- F3** 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**

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- F4** 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)
- F5** 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)**
- F6** 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**
- F7** 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)**
- F8** 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**

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**Marginal Citations**

- M1** 1972 c. 70.  
**M2** 1973 c. 65.  
**M3** 1972 c. 70.

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