

Status: Point in time view as at 01/10/2016.

Changes to legislation: Local Government and Housing Act 1989, Cross Heading: Construction of sections 15 to 17 is up to date with all changes known to be in force on or before 12 October 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

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
- C1** Sch. 1 excluded (E.W.) (1.4.2013) by The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (S.I. 2013/218), regs. 1(2), 7(c)
- C1** Sch. 1: power to apply (with or without modifications) conferred (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by 2009 c. 20, s. 107D(4)(f) (as inserted by Cities and Local Government Devolution Act 2016 (c. 1), ss. 4(1), 25(2))
- C1** Sch. 1: power to exclude conferred (E.W.) (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by 2009 c. 20, s. 107E(4) (as inserted by Cities and Local Government Devolution Act 2016 (c. 1), ss. 4(1), 25(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—
- (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—

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“advisory committee”, in relation to a relevant authority, means a committee appointed by the authority under section 102(4) of the ^{M1}Local Government Act 1972 or section 57(4) of the ^{M2}Local Government (Scotland) Act 1973 (advisory committees);

^{F1} . . .

“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 [^{F2}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 ^{F3}. . . 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 [^{F4}paragraphs (a) to (c), (f) or (h) to [^{F5}(j)]] 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 ^{F6}. . . social services committee or any other sub-committee of that authority appointed under section 102(1)(c) of the ^{M3}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;

^{F7} . . .

^{F8} . . .

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

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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**
- 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**

Marginal Citations

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

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