

Status: Point in time view as at 25/05/2018. This version of this cross heading contains provisions that are prospective.
Changes to legislation: Local Government and Housing Act 1989, Cross Heading: The Local Government Act 1972 is up to date with all changes known to be in force on or before 18 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)

SCHEDULES

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS

The Local Government Act 1972

PROSPECTIVE

- 21 In section 80 of the ^{M1}Local Government Act 1972 (disqualifications for election and holding office as members of local authority), in subsection (1) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 other than section 73, is under the control of the local authority; or”.

Marginal Citations

M1 1972 c. 70.

- 22 In section 94(5)(b) of that Act (allowances not to be treated as pecuniary interests), after the word “below” there shall be inserted the words “or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989”.
- 23 In subsection (6) of section 97 of that Act (exclusion of disability from speaking and voting by reason of small shareholdings), for “£1,000” there shall be substituted “£5,000”.

PROSPECTIVE

- 24 In section 100G of that Act (duty of principal councils to publish information), for paragraph (b) of subsection (1) there shall be substituted the following paragraph—
- “(b) in respect of every committee or sub-committee of the council—
- (i) the members of the council who are members of the committee or sub-committee or who are entitled, in accordance with any standing orders relating to the committee or sub-committee, to speak at its meetings or any of them;
- (ii) the name and address of every other person who is a member of the committee or sub-committee or who is entitled, in accordance with any standing orders relating to the committee or sub-committee, to speak at its meetings

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or any of them otherwise than in the capacity of an officer of the council; and

- (iii) the functions in relation to the committee or sub-committee of every person falling within sub-paragraph (i) above who is not a member of the committee or sub-committee and of every person falling within sub-paragraph(ii) above.”

PROSPECTIVE

- 25 In section 102 of that Act (appointment of committees)—
- (a) in paragraph (a) of subsection (1), after “may appoint a committee” there shall be inserted “ or a sub-committee ”;
 - (b) in subsection (2), for “the appointing committee” there shall be substituted “ the appointing authority or committee (as the case may be) ”;and
 - (c) after subsection (4) there shall be inserted the following subsection—

“(4A) A local authority may appoint one or more sub-committees of a committee appointed by them under subsection (4) above to advise the committee with respect to any matter relating to the discharge of functions with respect to which the committee is appointed to advise.”

- 26 Sections 173 and 173A of that Act (attendance allowance and financial loss allowance) shall be amended as follows—
- (a) for the words “local authority”, wherever they occur, there shall be substituted “ parish or community council ”;
 - (b) in subsection (3) of each of those sections, for the word “authority”there shall be substituted “ council ”; and
 - (c) for the words “body to which this section applies” in subsection (4) of section 173 there shall be substituted “ parish or community council ”.

Commencement Information

- II** Sch. 11 para. 26 wholly in force at 1.4.1991; Sch. 11 para. 26 in force for certain purposes at 27.2.1991 and wholly in force at 1.4.1991, see s. 195(2)(3) and [S.I. 1991/344, art. 3, Sch.](#)

- 27 In section 175 of that Act (allowances for conferences and meetings)—
- (a) in subsection (1) (allowances payable), for the words from “allowancesin the nature of” onwards there shall be substituted “allowances in the nature of an attendance allowance and an allowance for travelling and subsistence, as they think fit.
- (1A) Payments made under subsection (1) above shall be of such reasonable amounts as the body in question may determine in a particular case or class of case but shall not exceed—
- (a) in the case of payments of an allowance in the nature of an attendance allowance, such amounts as may be specified in or determined under regulations made by the Secretary of State; and

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- (b) in the case of payments of an allowance in the nature of an allowance for travel and subsistence in respect of a conference or meeting held in the United Kingdom, such amounts as may be specified under section 174 above for the corresponding allowance under that section;
- and regulations made by the Secretary of State may make it a condition of any payment mentioned in paragraph (a) above that, in the financial year to which the payment would relate, the aggregate amount which the body in question has paid or is already liable to pay in respect of any prescribed allowance or allowances does not exceed such maximum amount as may be specified in or determined under the regulations.”;
- (b) in subsection (3B) (conferences to which section applies in relation to joint boards and committees), for the words “such body as is mentioned in section 177(1)(d) or (e) below” there shall be substituted the words “body which is a joint board, joint authority or other combined body all the members of which are representatives of local authorities ”.

Commencement Information

I2 Sch. 11 para. 27 wholly in force at 1. 4. 1991 see s. 195(2)(3) and [S.I. 1991/344](#), art. 3(2)(a), [Sch.](#)

- 28 (1) Section 177 of that Act shall be amended as follows.
- (2) For subsection (1) (bodies to which sections 173 to 175 apply) there shall be substituted the following subsection—
- “(1) Subject to paragraph 4 of Schedule 2 to the Education Act 1980 (application of certain allowances to appeal committees), sections 174 and 175 above apply—
- (a) to the bodies specified in section 21(1) of the Local Government and Housing Act 1989, except—
- (i) the Common Council;
- (ii) a body established pursuant to an order under section 67 of the Local Government Act 1985 (successors to residuary bodies); and
- (iii) without prejudice to section 265 below, the Council of the Isles of Scilly;
- (b) to any prescribed body on which a body to which those sections apply by virtue of paragraph (a) above is represented; and
- (c) to any parish or community council.”
- (3) For subsection (2) (meaning of “approved duties”) there shall be substituted the following subsection—
- “(2) In sections 173 to 176 above “approved duty”, in relation to a member of a body, means such duties as may be specified in or determined under regulations made by the Secretary of State.”
- (4) In subsection (4) (members not excluded from discussion of allowances), at the end there shall be inserted the words “ or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989 ”.

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I3 Sch. 11 para. 28 wholly in force at 1. 4. 1991 see s. 195(2)(3) and [S.I. 1991/344, art. 3\(2\)\(a\)](#), [Sch.](#)

29 In section 178(2) of that Act (regulations with respect to allowances), for the words “177 or 177A” there shall be substituted “ or 177 ”.

Commencement Information

I4 Sch. 11 para. 29 wholly in force at 1.4.1991, see s. 195(2)(3) and [S.I. 1991/344, art. 3\(2\)\(a\)](#), [Sch.](#)

30 In sub-paragraphs (1) and (2) of paragraph 41 of Schedule 12 to that Act (recording the minutes of meetings of local authorities), for the word “following” there shall be substituted “ suitable ”; and after sub-paragraph (3) of that paragraph there shall be inserted the followingsub-paragraph—

“(4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.”

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