



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART I

#### LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

##### *Political restriction of officers and staff*

#### **1 Disqualification and political restriction of certain officers and staff.**

- (1) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of a local authority if he holds a politically restricted post under that local authority or any other local authority in Great Britain.
- (2) In the <sup>M1</sup>House of Commons Disqualification Act 1975, in Part III of Schedule 1 (other disqualifying offices) there shall be inserted at the appropriate place—

“Person holding a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.”
- (3) In section 80 of the <sup>M2</sup>Local Government Act 1972 (disqualification for election and holding office as member of local authority)—
  - (a) in subsection (1)(a) (paid office holders and employees), the words “joint board, joint authority or” shall be omitted; and
  - (b) in subsection (6) (extension of meaning of “local authority”), after the word “includes” there shall be inserted “ a joint board and ”.
- (4) In section 31 of the <sup>M3</sup>Local Government (Scotland) Act 1973 (which makes corresponding provision for Scotland)—
  - (a) in subsection (1)(a)(ii), the words “or joint board” shall be omitted; and
  - (b) after subsection (1) there shall be inserted the following subsection—

“(1A) A person is disqualified for being a member of a joint board if he or a partner of his holds any paid office or employment (other than the

*Status: Point in time view as at 26/05/2018. This version of this provision has been superseded.*

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

office of chairman or vice-chairman of the board) or other place of profit in the gift or disposal of the board.”

- (5) The terms of appointment or conditions of employment of every person holding a politically restricted post under a local authority (including persons appointed to such posts before the coming into force of this section) shall be deemed to incorporate such requirements for restricting his political activities as may be prescribed for the purposes of this subsection by regulations made by the Secretary of State.
- (6) Regulations under subsection (5) above 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 and, without prejudice to section 190(1) below, may contain such exceptions for persons appointed in pursuance of section 9 below as he thinks fit.
- (7) So far as it has effect in relation to disqualification for election, this section has effect with respect to any election occurring not less than two months after the coming into force of this section and, so far as it relates to becoming in any other way a member of a local authority, this section has effect with respect to any action which, apart from this section, would result in a person becoming a member of the authority not less than two months after the coming into force of this section.
- (8) If, immediately before the expiry of the period of two months referred to in subsection (7) above, a person who is a member of a local authority holds a politically restricted post under that or any other local authority, nothing in this section shall apply to him until the expiry of the period for which he was elected or for which he otherwise became a member of the authority.
- <sup>F1</sup>(9) In this section a reference to a person holding a politically restricted post under a local authority includes a reference to every member of the staff of an elected local policing body<sup>F2</sup>... <sup>F3</sup>, <sup>F4</sup>and every member of staff of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004<sup>F4</sup>every member of staff of a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 and every member of staff of the London Fire Commissioner<sup>]]]</sup>.
- <sup>F5</sup>(10) The reference in subsection (9) to every member of the staff of an elected local policing body does not include a deputy police and crime commissioner.
- (11) For the purposes of subsection (1) only, the reference in subsection (9) to every member of the staff of an elected local policing body does not include the Deputy Mayor for Policing and Crime appointed under section 19(1)(a) of the Police Reform and Social Responsibility Act 2011.]

#### Textual Amendments

- F1** S. 1(9) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 200](#); S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in s. 1(9) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), ss. [123\(2\)](#), [183\(1\)\(5\)\(e\)](#); S.I. 2018/227, reg. 4(d)
- F3** Words in s. 1(9) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. [183\(1\)\(5\)\(e\)](#), [Sch. 1 para. 61](#); S.I. 2017/399, reg. 2, Sch. para. 38
- F4** Words in s. 1(9) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. [183\(1\)\(5\)\(e\)](#), [Sch. 2 para. 86](#)

*Status: Point in time view as at 26/05/2018. This version of this provision has been superseded.*

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

- F5** S. 1(10)(11) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 123(3)**, 183(1)(5)(e); S.I. 2018/227, reg. 4(d)

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

- C1** Pt. 1 applied (E.) (8.5.2017) by The West Midlands Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/510), arts. 1(2), **23(4)**
- C2** S. 1 applied (S.) (temp.) (6.4.1995 to 1.4.1996) by S.I. 1995/789, art. 2, **Sch.** entry 11  
S. 1 extended (E.W.) (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 7(4)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)  
S. 1 extended (8.5.2000) by 1999 c. 29, **ss. 68**, 70 (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C3** Ss. 1-3 modified (E.) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **12(4)**
- C4** Ss. 1-3 modified (E.) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **12(4)**
- C5** S. 1 excluded (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 15 para. 20(2)**; S.I. 2011/3019, art. 3, **Sch. 1**; S.I. 2012/2892, art. 2(h)
- C6** S. 1 excluded (22.11.2012) by The Local Policing Bodies (Consequential Amendments and Transitional Provision) Order 2012 (S.I. 2012/2733), arts. 1, **4**
- C7** S. 1 applied (with modifications) (E.) (3.3.2017) by The Tees Valley Combined Authority (Functions) Order 2017 (S.I. 2017/250), arts. 1(2), **6(a)**
- C8** S. 1 applied (E.) (8.5.2017) by The West Midlands Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/510), arts. 1(2), **14(a)**
- C9** S. 1 applied (E.) (8.5.2017) by The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/430), arts. 1(3), **12(1)(a)**
- C10** S. 1 applied (E.) (8.5.2017) by The Greater Manchester Combined Authority (Functions and Amendment) Order 2017 (S.I. 2017/612), arts. 1(3), **5(a)**
- C11** S. 1 applied (with modifications) (E.) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 9(2)**
- C12** S. 1 applied (E.) (8.5.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(4), **15(a)**

#### **Marginal Citations**

- M1** 1975 c. 24.  
**M2** 1972 c. 70.  
**M3** 1973 c. 65.

**Status:**

Point in time view as at 26/05/2018. This version of this provision has been superseded.

**Changes to legislation:**

Local Government and Housing Act 1989, Section 1 is up to date with all changes known to be in force on or before 26 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.