



Local Government and Housing Act 1989

1989 CHAPTER 42

PART I

LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

Voting rights of members of certain committees

14 Voting rights of members of certain committees: Scotland.

- (1) Subject to the following provisions of this section, a person who—
- (a) is a member of a committee appointed under subsection (1) of section 57 of the ^{M1}Local Government (Scotland) Act 1973 by a relevant authority and is not a member of that authority;
 - (b) is a member of a joint committee appointed under that subsection by two or more relevant authorities and is not a member of any of those authorities; or
 - (c) is a member of a sub-committee appointed under that subsection by such a committee as is mentioned in paragraph (a) or (b) above and is not a member of the relevant authority, or one of the relevant authorities, which appointed that committee,

shall for all purposes be treated as a non-voting member of that committee, joint committee or, as the case may be, sub-committee.

^{F1}(2)

^{F1}(3)

- (4) Nothing in [^{F2}subsection (1)] above shall require a person to be treated as a non-voting member of a committee or sub-committee falling within subsection (5) below; but, except—

- (a) in the case of a sub-committee appointed by a committee falling within paragraph (b) of that subsection; and
- (b) in such cases as may be prescribed by regulations made by the Secretary of State,

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a person who is a member of a sub-committee falling within that subsection shall for all purposes be treated as a non-voting member of that sub-committee unless he is a member of the committee which appointed the sub-committee.

- (5) A committee or sub-committee falls within this subsection if it is—
- (a) a committee established in accordance with any regulations made by virtue of section 7 of the ^{M2}Superannuation Act 1972 (regulations making provision for the superannuation of persons employed in local government service etc.);
 - (b) a committee appointed under section 57(4) of the ^{M3}Local Government (Scotland) Act 1973 (appointment of advisory committees by local authorities);
 - (c) a committee constituted in accordance with Schedule A1 to the ^{M4}Education (Scotland) Act 1980 (appeal committees for hearing placing and other appeals);
 - ^{F3}(d)
 - (e) a committee established exclusively for the purpose of discharging such functions of a relevant authority as may be prescribed by regulations made by the Secretary of State;
 - (f) a sub-committee appointed by a committee falling within any of paragraphs (a) to [^{F4}(c) or] (e) above or such a sub-committee as is so prescribed.

- [^{F5}(6) Nothing in this section shall prevent the appointment as a voting member of—
- (a) a committee such as is mentioned in subsection (1) of section 124 of the ^{M5}Local Government (Scotland) Act 1973 (committees appointed by education authority); or
 - (b) a joint committee of two or more authorities whose purposes include either of those mentioned in paragraphs (a) and (b) of that subsection; or
 - (c) any sub-committee of such a committee or joint committee,
- of a person such as is mentioned in subsection (4) of the said section 124.]

- (7) Where a person is treated by virtue of this section as a non-voting member of any committee, joint committee or sub-committee, he shall not be entitled to vote at any meeting of the committee, joint committee or sub-committee on any question which falls to be decided at that meeting; and the reference in subsection (6) above to a voting member, in relation to any such committee, joint committee or sub-committee as is mentioned in that subsection, is a reference to a person who is entitled to vote at any meeting of that committee, joint committee or sub-committee on any question which falls to be decided at that meeting.

- (8) In the Local Government (Scotland) Act 1973—
- (a) in section 57(3), the words from “but at least” onwards (which require at least two-thirds of certain committees to be members of the appointing authority or authorities);
 - [^{F6}(aa) section 124(5);]
 - (b) in section 161(6), the words from “but at least” onwards (which make corresponding provision in relation to a social work committee);
 - (c) in Schedule 10, paragraph 11 (which requires at least half of a joint education committee to be members of the appointing authorities);
 - (d) in Schedule 20, paragraph 10 (which requires at least two-thirds of a joint social work committee to be members of the appointing authorities),

shall be omitted.

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- (9) In this section “relevant authority” means a ^{F7}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; and references in this section to voting include references to making use of a casting vote.

Textual Amendments

- F1** S. 14(2)(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 161(1)(7)(a), **Sch. 14** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F2** Words in s. 14(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(b)** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)
- F3** S. 14(5)(d) repealed (24.6.2013) by The Children’s Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **sch. 2**
- F4** Words in s. 14(5)(f) inserted (24.6.2013) by The Children’s Hearings (Scotland) Act 2011 (Modification of Primary Legislation) Order 2013 (S.S.I. 2013/211), art. 1, **sch. 1 para. 7**
- F5** S. 14(6) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(d)** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)
- F6** S. 14(8)(aa) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(e)** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)
- F7** Words in s. 14(9) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(7)(f)** (with s. 128(8)); S.I. 1996/323, art. 4(1)(c)

Modifications etc. (not altering text)

- C1** Pt. I modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **5(4)**

Marginal Citations

- M1** 1973 c. 65.
M2 1972 c. 11.
M3 1973 c. 65.
M4 1980 c.44.
M5 1973 c. 65.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)