



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART I

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

##### *Members' interests*

#### **19 Members' interests.**

- [<sup>F1</sup>(1) The Secretary of State may by regulations require each member of a local authority—
- (a) to give a general notice to the proper officer of the authority setting out such information about the member's direct and indirect pecuniary interests as may be prescribed by the regulations, or stating that he has no such interests; and
  - (b) from time to time to give to that officer such further notices as may be so prescribed for the purpose of enabling that officer to keep the information provided under the regulations up to date.
- (2) Any member of a local authority who—
- (a) without reasonable excuse fails to comply with the requirements of any regulations under this section; or
  - (b) in giving a notice in compliance with any such requirement, provides information which he knows to be false or misleading in a material particular or recklessly provides information which is false or misleading in a material particular,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (3) Proceedings for an offence under subsection (2) above shall not be instituted in England and Wales except by or with the consent of the Director of Public Prosecutions.
- (4) Neither section 96 of the <sup>M1</sup>Local Government Act 1972 (general notice of pecuniary interests) nor section 40 of the <sup>M2</sup>Local Government (Scotland) Act 1973

*Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.*

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(corresponding provision for Scotland) shall apply in relation to any notice given in pursuance of any regulations under this section; but such regulations may provide—

- (a) that the giving of a notice in pursuance of any such regulations shall be deemed to be sufficient disclosure for the purposes of section 94 of the said Act of 1972 (disability of members of authorities for voting on account of interest in contracts etc.) or for the purposes of section 38 of the said Act of 1973; and
  - (b) that the proper officer of a local authority is to maintain such records of the information contained in notices given to him as may be prescribed by the regulations and is to keep those records open to inspection by members of the public.
- (5) A local authority shall not be entitled (whether by means of making it a condition of any appointment or by any other means whatever) to impose any obligations on their members to disclose any interests other than those that they are required to disclose by virtue of section 94 of the Local Government Act 1972, section 38 of the Local Government (Scotland) Act 1973 or any regulations under this section.
- (6) Regulations under this section 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.
- (7) References in this section to the indirect pecuniary interests of a member of a local authority shall include references to any such interests as, by virtue of any connection between that member or his spouse and any other person, would fall to be disclosed—
- (a) in the case of a local authority in England and Wales, under section 94 of the Local Government Act 1972; or
  - (b) in the case of a local authority in Scotland, under section 38 of the Local Government (Scotland) Act 1973,
- if the authority were proposing to enter into a contract with that other person.]

#### Textual Amendments

- F1** S. 19 repealed (S.) (1.5.2003) by [Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(asp 7\)](#), s. 37(2), [sch. 4](#) (with s. 31); S.S.I. 2003/74, art. 2(2)(e)

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

- C1** S. 19 applied (S.) (*temp.* 6.4.1995 to 1.4.1996) by [S.I. 1995/789](#), art. 2, [Sch.](#) entry 11  
 S. 19 extended (E.W.) (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 10\(2\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))  
 S. 19 applied (with modifications) (8.5.2000) by [1999 c. 29](#), s. 154(4), [Sch. 10 para. 13\(12\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2(2)(b), [Sch. Pt. 2](#)  
 S. 19 excluded (E.) (27.11.2001, *temp.* until 27.11.2002) by [S.I. 2001/3577](#), [art. 3\(1\)\(b\)](#)  
 S. 19 excluded (E.) (27.11.2001, *temp.* until 27.7.2002) by [S.I. 2001/3376](#), [art. 3\(1\)\(c\)](#)
- C2** S. 19 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), arts. 1, [14\(2\)\(c\)](#)
- C3** S. 19 applied (*temp.*) (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), arts. 1, [14\(2\)\(c\)](#)

#### Commencement Information

- I1** S.19 wholly in force: s. 19 not in force at Royal Assent, see s. 195(2); s. 19 in force for certain purposes at 16.1.1990 by [S.I. 1989/2445](#), [art. 4](#) and in force at 8.5.1992 so far as not already in force by [S.I. 1992/760](#), [art. 2](#)

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**Marginal Citations**

**M1** 1972 c. 70.

**M2** 1973 c.65.

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