

1990 No. 1447

**LOCAL GOVERNMENT, ENGLAND AND WALES  
LOCAL GOVERNMENT, SCOTLAND**

**The Local Government (Politically Restricted Posts)  
(No. 2) Regulations 1990**

<i>Made - - - -</i>	<i>18th July 1990</i>
<i>Laid before Parliament</i>	<i>18th July 1990</i>
<i>Coming into force</i>	<i>8th August 1990</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Scotland, as respects Scotland, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by sections 2(2)(a) and 190(1) of the Local Government and Housing Act 1989(a), and of all other powers enabling them in that behalf, hereby make the following Regulations:

1.—(1) These Regulations may be cited as the Local Government (Politically Restricted Posts) (No. 2) Regulations 1990 and shall come into force on 8th August 1990.

(2) In these Regulations –

“the Act” means the Local Government and Housing Act 1989;

“the National Joint Council” means the National Joint Council for Local Authorities’ Administrative, Professional, Technical and Clerical Services;

“the Scottish Council” means the Scottish Council for Local Authorities’ Administrative, Professional, Technical and Clerical Services;

“the National Joint Council’s Scheme” means the National Joint Council’s Scheme of Conditions of Service;

“the Scottish Council’s Scheme” means the Scottish Council’s Scheme of Salaries and Conditions of Service; and

“scheme terms” means the terms and conditions of appointment or employment specified, as respects posts in England and Wales, in the National Joint Council’s Scheme and, as respects posts in Scotland, in the Scottish Council’s Scheme.

2.—(1) Subject to paragraphs (2) and (3), the amount for the purposes of section 2(2) of the Act is (so long as it is higher than £19,500) such amount as is published from time to time—

(a) as respects full-time posts under a local authority in England or Wales, by the National Joint Council; or

(b) as respects full-time posts under a local authority in Scotland, by the Scottish Council,

as the amount assigned to spinal column point 44 of the salary scales for local government officers incorporated in the National Joint Council's Scheme or, as the case may be, the Scottish Council's Scheme.

(2) In the case of a post in respect of which an officer is appointed or employed on scheme terms and is entitled to an allowance of any of the descriptions specified in paragraph (4) ("the relevant allowance"), the amount for the purposes of section 2(2) of the Act is (so long as it is higher than £19,500) an amount equal to the aggregate of –

- (a) the appropriate published amount referred to in paragraph (1); and
  - (b) such amount as is published from time to time –
    - (i) as respects England or Wales, by the National Joint Council; or
    - (ii) as respects Scotland, by the Scottish Council,
- as the amount of the relevant allowance.

(3) In the case of a post in respect of which –

- (a) an officer is not appointed or employed on scheme terms; and
- (b) he would, if appointed or employed on such terms, be entitled to the relevant allowance,

the amount for the purposes of section 2(2) of the Act is (so long as it is higher than £19,500) an amount equal to the aggregate of the appropriate published amount referred to in paragraph (1) and the appropriate published amount referred to in paragraph (2)(b) to which the officer would be entitled if he were appointed or employed on scheme terms.

(4) The descriptions of allowance specified in this paragraph are–

- (a) Inner London Allowance;
- (b) Outer London Allowance;
- (c) Inner Fringe Area Allowance; and
- (d) Outer Fringe Area Allowance,

as described in the National Joint Council's Scheme, and

- (e) Distant Islands Allowance,

as described in the Scottish Council's Scheme.

3. The Local Government (Politically Restricted Posts) Regulations 1990(a) are hereby revoked.

17th July 1990

*Chris Patten*  
Secretary of State for the Environment

18th July 1990

*Malcolm Rifkind*  
Secretary of State for Scotland

18th July 1990

*David Hunt*  
Secretary of State for Wales

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(a) S.I. 1990/42.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Local authorities are required by section 2(2) of the Local Government and Housing Act 1989 to prepare and maintain a list of posts in respect of which the annual rate of remuneration is or exceeds £19,500 or such higher amount as may be specified in or determined under regulations made by the Secretary of State.

These Regulations, which apply to the whole of Great Britain, provide for that higher amount to be –

- (a) the amount that is for the time being fixed by the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services or, in Scotland, the Scottish Council for Local Authorities' Administrative, Professional, Technical and Clerical Services, as that applicable to spinal column point 44 on their salary scales for local government officers; or
- (b) where applicable, the aggregate of the amount represented by spinal column point 44 and the amount of any Inner or Outer London Allowance, Inner or Outer Fringe Allowance or, in Scotland, Distant Islands Allowance.

The Regulations revoke the Local Government (Politically Restricted Posts) Regulations 1990.