
STATUTORY INSTRUMENTS

2012 No. 1644

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Exemption from Political Restrictions) (Designation) Regulations 2012

<i>Made</i>	- - - -	<i>25th June 2012</i>
<i>Laid before Parliament</i>		<i>28th June 2012</i>
<i>Coming into force</i>	- -	<i>26th July 2012</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 3A(7B) and (7C) and 190 of the Local Government and Housing Act 1989⁽¹⁾, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Exemption from Political Restrictions) (Designation) Regulations 2012 and shall come into force on 26th July 2012.

(2) In these Regulations—

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

“head of staff” means the most senior employee of the local authority concerned.

Application of section 3A of the 1989 Act

2. Section 3A of the 1989 Act shall apply to the local authorities listed in the first column in the Schedule to these Regulations as if the references to the person designated under section 4 of the 1989 Act as head of paid service, were references to the person listed in the second column of that Schedule.

⁽¹⁾ 1989 c. 42. Section 3A was inserted by section 202 of the Local Government and Public Involvement in Health Act 2007 (c. 28). Subsections (7A) to (7C) were inserted by paragraph 4 of Schedule 4 to the Localism Act 2011 (c. 20) which made other amendments to section 3A.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Communities and Local Government

25th June 2012

Bob Neill
Parliamentary Under Secretary of State
Department for Communities and Local
Government

SCHEDULE

Regulation 2

<i>Local authority</i>	<i>Designated person</i>
Transport for London	The person who is head of staff.
A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 ⁽²⁾ or a scheme to which section 4 of that Act applies.	The person who is head of staff.
An authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007 ⁽³⁾ (joint waste authorities).	The person who is head of staff.
An authority established under section 10 of the Local Government Act 1985 ⁽⁴⁾ (waste disposal authorities).	The person who is head of staff.
A joint authority established under Part 4 of the Local Government Act 1985 (fire services, civil defence or transport).	The person who is head of staff.
The London Fire and Emergency Planning Authority.	The person who is head of staff.
A body established pursuant to an order under section 67 of the Local Government Act 1985 (successors to residuary bodies).	The person who is head of staff.
The Broads Authority.	The Chief Officer appointed under paragraph 6 of Schedule 1 to the Norfolk and Suffolk Broads Act 1988 ⁽⁵⁾
A Joint Board the constituent members of which consist of any of the bodies specified in paragraphs (a) to (k) of section 21(1) of the 1989 Act ⁽⁶⁾ .	Any person who is head of paid service or head of staff of any of the constituent members of the Joint Board.

(2) 2004 c. 21.

(3) 2007 c. 28.

(4) 1985 c. 51.

(5) 1988 c. 4.

(6) Relevant amendments were made by the Environment Act 1995 (c. 25) section 78 and Schedule 10; the Greater London Authority Act 1999, section 328 and Schedule 29; the Fire and Rescue Services Act 2004, section 53(1), Schedule 1; the Local Government and Public Involvement in Health Act 2007, section 209(2) and Schedule 13; the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 119 and Schedule 6 and S.I. 1996/3071.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 3A of the Local Government and Housing Act 1989 provides for the head of paid service of a local authority in England which is a relevant authority (as defined in section 49(6) of the Local Government Act 2000) to grant exemptions, in certain circumstances, from the political restrictions imposed on certain posts by the 1989 Act. Section 3A(7B) gives the Secretary of State power by regulations to make provision about the application of the section to a local authority that is not required to designate one of its officers as the head of its paid service. These Regulations make that provision.

No impact assessment has been prepared in relation to these Regulations as they do not have an impact on business or charities.