

*Draft Order laid before the Scottish Parliament under section 16(5) of the Local Governance (Scotland) Act 2004, for approval by resolution of the Scottish Parliament.*

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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2009 No.**

**LOCAL GOVERNMENT**

**The Local Government and Housing Act  
1989 Amendment (Scotland) Order 2009**

*Made - - - - 2009*

*Coming into force in accordance with Article 1*

The Scottish Ministers make the following Order, in exercise of the powers conferred by section 15 and 16(3) of the Local Governance (Scotland) Act 2004<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 16(5) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation and commencement**

1. This Order may be cited as the Local Government and Housing Act 1989 Amendment (Scotland) Order 2009 and shall come into force on the day after the day on which it is made.

**Politically restricted posts**

2.—(1) The Local Government and Housing Act 1989<sup>(2)</sup> is amended as follows.

(2) In subsection (3) of section 3 of the Local Government and Housing Act 1989, omit from the “and” following paragraph (a) to the end of the subsection.

St Andrew’s House,  
Edinburgh  
2009

A member of the Scottish Executive

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(1) 2004 asp 9.

(2) 1989 c. 42; there are amendments but none are relevant.

## EXPLANATORY NOTE

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

The Local Governance (Scotland) Act 2004 (“the 2004 Act”) amended section 2 of the Local Government and Housing Act 1989 (c. 42) (“the 1989 Act”), which sets out categories of local authority employees who are to be regarded as holding politically restricted posts.

Such employees are prevented, by section 1 of the 1989 Act, from holding various elective offices or from standing for election to those offices. Such employees are also prevented from engaging in a range of political activities. The amendment made by the 2004 Act removed two categories of employees which were determined by a salary threshold.

This Order makes consequential provision to repeal parts of section 3 of the 1989 Act which remain in force in Scotland but have no continuing purpose as a result of the amendments made by the 2004 Act.