
STATUTORY INSTRUMENTS

1991 No. 1398

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government (Committees and
Political Groups) (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>14th June 1991</i>
<i>Laid before Parliament</i>		<i>17th June 1991</i>
<i>Coming into force</i>	- -	<i>8th July 1991</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 9(10), 13(3)(b), 13(4)(g), 15(2), 17(3), 17(5) and 190(1) of, and paragraphs 1, 3 and 5 of Schedule 1 to, the Local Government and Housing Act 1989⁽¹⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Local Government (Committees and Political Groups) (Amendment) Regulations 1991 and shall come into force on 8th July 1991.

Amendment of principal Regulations

2. The Local Government (Committees and Political Groups) Regulations 1990⁽²⁾ are amended in accordance with the following provisions of these Regulations.

Prescribed functions

3. In regulation 4(1)(h) for “the Highways Act 1980 or the Local Authority Social Services Act 1970” substitute “the Local Authority Social Services Act 1970⁽³⁾, section 7 of the Local Government (Miscellaneous Provisions) Act 1976⁽⁴⁾, the Highways Act 1980⁽⁵⁾, paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982⁽⁶⁾, the Road Traffic

(1) 1989 c. 42.
(2) S.I.1990/1553.
(3) 1970 c. 42.
(4) 1976 c. 57.
(5) 1980 c. 66.
(6) 1982 c. 30.

Regulation Act 1984⁽⁷⁾, the Cycle Tracks Act 1984⁽⁸⁾ or regulations made by virtue of section 7 of the Superannuation Act 1972⁽⁹⁾”.

Education sub-committees

4. In regulation 5(1)(c) after “paragraph (2)” insert “(other than in paragraph (2)(b)(i))”.

Representatives of political groups

5. –

- (1) In regulation 8(4) for

“when he is unable to act (“the deputy leader”)”

substitute

“in relation to these Regulations (“the representative”)”.

- (2) In regulation 8(5) (in both places) and regulations 9(b), 13(1)(a) and 14 for “deputy leader” substitute “representative”.

Exception to the application of section 15

6. –

- (1) In Part IV before regulation 17 insert–

“Area committees and sub-committees

16A. Section 15 of the 1989 Act shall not apply to any ordinary committee or advisory committee of an authority which is a county, district or London borough council or to a sub-committee of any such ordinary or advisory committee, where–

- (a) that committee or sub-committee was established exclusively–
 - (i) to discharge functions of the authority, or
 - (ii) to advise the authority or any committee of the authority,
 in respect of part of the area of the authority;
- (b) all the voting members of the committee or sub-committee who are members of the council have been elected for electoral divisions or wards which are wholly or partly within that part; and
- (c) either–
 - (i) the area of that part does not exceed two-fifths of the total area of the authority, or
 - (ii) the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the area of the authority as so estimated.”.

- (2) In regulation 19 omit paragraph (c).

Sub-committees other than ordinary sub-committees

7. For regulation 21 substitute–

(7) 1984 c. 27.
 (8) 1984 c. 38.
 (9) 1972 c. 11.

“Representation of political groups on sub-committees which are not ordinary sub-committees

21. For the purposes of securing the appropriate representation of different political groups on sub-committees falling within section 17(4) of the 1989 Act—

- (a) subject to regulation 22, sections 15, 16, 17(1) and (2) of the 1989 Act, Part III of these Regulations and regulation 20 shall apply to a body described in paragraph 2(1)(h) of Schedule 1 to that Act (certain joint committees) as if the body were a relevant authority and as if its sub-committees were ordinary committees of that authority; and
- (b) subject to regulation 23, those provisions (other than section 15(1) and (6)) shall apply to a body described in paragraph 2(1)(c) of that Schedule (county police authorities) as if the body were an ordinary committee of the council.”.

County police authorities

8. After regulation 22 add—

“Modifications for county police authorities

23. —

(1) In their application in accordance with regulation 21 to a body described in paragraph 2(1)(c) of Schedule 1 to the 1989 Act (county police authorities), section 15(2), (3) and (5) of the 1989 Act and Part III of these Regulations shall be modified in accordance with the following provisions of this regulation.

(2) In addition to any political group constituted of members of the county council, any two or more members of the police authority who are not members of the council may constitute a separate political group; and in relation to such members of the authority and such a political group regulations 8 to 15 shall apply as they apply in relation to members of the county council and political groups constituted by them.

(3) Section 15(2) shall apply as if for paragraphs (a) and (b) there were substituted—

- “(a) where the county council of which the police authority described in paragraph 2(1)(c) of Schedule 1 to this Act is a committee is divided into different political groups on 8th July 1991, at (or as soon as practicable after) the first meeting of the police authority after that date;
- (b) where that county council is divided into different political groups, at, or as soon as practicable after, the first meeting of the police authority after the annual meeting of the council held in pursuance of paragraph 1 of Part I of Schedule 12 to the Local Government Act 1972;
- (c) as soon as practicable after the division of that county council into political groups occurs;
- (d) as soon as practicable after any occasion on which members of the police authority who are members of the county council are changed as a result of a review under this section; and
- (e) as soon as practicable after any change in the number of political groups into which the police authority is divided.”.

(4) Section 15(3) shall apply as if the reference to the groups into which the members of the relevant authority are divided included any additional group constituted in accordance with paragraph (2).

(5) Section 15(5)(b) shall apply as if “police” were inserted before “authority’s”.

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

(6) Section 15(5)(d) shall apply as if for “to the membership of the authority” there were substituted “with seats on the police authority to the total of all the seats on the police authority.””.

13th June 1991

Michael Heseltine
Secretary of State for the Environment

14th June 1991

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government (Committees and Political Groups) Regulations 1990 which made provision for securing the political balance on certain relevant authorities, committees and bodies and for determining the voting rights of members on certain committees.

Regulation 3 adds to regulation 4 (prescribed functions of authorities where all members of committees discharging those functions may have voting rights) a reference to functions of county councils under paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1976, section 7 of the Local Government (Miscellaneous Provisions) Act 1982, the Road Traffic Regulation Act 1984, the Cycle Tracks Act 1984 and regulations made under section 7 of the Superannuation Act 1972.

Regulation 4 amends regulation 5(1) to remove an exemption which permitted non-members of certain education committees to be voting members of sub-committees of those committees.

Regulation 5 amends regulations 8, 9, 13 and 14 to allow for any specified member of a political group to act in the place of the leader of the group in relation to the Regulations whether or not the leader is able to act.

Regulation 6 inserts a new regulation 16A which provides an exception to the duty to allocate to political groups seats on certain committees and sub-committees of a county, district and London borough council which are established exclusively to discharge functions or to advise in respect of part of the area of the authority. Regulation 19(c) of the 1990 Regulations, which provided an exception in similar terms in respect of sub-committees, is revoked.