
STATUTORY INSTRUMENTS

1992 No. 618

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

The Local Authorities (Members' Interests) Regulations 1992

Made - - - - *10th March 1992*
Laid before Parliament *11th March 1992*
Coming into force - - *8th May 1992*

The Secretary of State for the Environment, as respects England, the Secretary of State for Wales, as respects Wales, and the Secretary of State for Scotland, as respects Scotland, in exercise of the powers conferred upon them by sections 19(1), (4)(b) and (6) and 190(1) of 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 Authorities (Members' Interests) Regulations 1992 and shall come into force on 8th May 1992.

Interpretation

2. In these Regulations—

“the 1972 Act” means the Local Government Act 1972⁽²⁾;

“the 1973 Act” means the Local Government (Scotland) Act 1973⁽³⁾

“authority” means—

(i) in relation to England and Wales,—

a county, district or London borough council, the Council of the Isles of Scilly, or the Common Council of the City of London in its capacity as a local authority, police authority or port health authority; and,

(ii) in relation to Scotland, a regional, islands or district council;

“councillor” means an elected member of an authority;

(1) 1989 c. 42.

(2) 1972 c. 70; section 98(1) was amended by the Financial Services Act 1986 (c. 60), Schedule 16, paragraph 8.

(3) 1973 c. 65; section 42(1) was amended by the Financial Services Act 1986, Schedule 16, paragraph 9.

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the councillor (alone or jointly with others) to occupy the land or to receive income; and

“securities” means securities within the meaning of section 98(1) of the 1972 Act and section 42(1) of the 1973 Act, other than moneys deposited with a building society.

General notices

3.—(1) Each councillor shall, in accordance with paragraphs (2) and (3), give to the proper officer of the authority of which he is a member a general notice—

- (a) stating his name; and
- (b) setting out, for each matter listed in the first column of the Schedule to these Regulations in respect of which he has such a director indirect pecuniary interest as is described in the second column of that Schedule, the information prescribed in the said second column; and
- (c) stating, for each other matter so listed, that he does not have such an interest.

(2) A person who is a councillor both on and immediately before 8th May 1992 shall give the general notice not later than one month after the date on which he first (on or after that date) attends a relevant meeting.

(3) A person who is elected as a member of an authority on or after 8th May 1992 and was not already a councillor of that authority immediately before the date of his election shall give the general notice not later than one month after—

- (a) if he is a member of the Common Council of the City of London, the date on which he first attends a relevant meeting after his election; and
- (b) in any other case, the date on which he makes a declaration under section 83(1) of the 1972 Act⁽⁴⁾ or, as the case may be, section 33A of the 1973 Act⁽⁵⁾ (declaration of acceptance of office).

(4) In this regulation, “relevant meeting” means a meeting of the authority of which the councillor is a member, or a meeting of any of the following of which he is a member, namely—

- (a) a committee or sub-committee of the authority; or
- (b) a joint committee, joint board or other body for the time being discharging any of the functions of the authority or appointed to advise the authority on a matter relating to the discharge of their functions.

Further notices

4. Each councillor shall, within one month of any change to the information contained in a notice given by him under these Regulations (including a notice under this regulation), give to the proper officer of the authority of which he is a member a further notice setting out the details of that change.

Recording the information

5.—(1) Subject to paragraph (3), the proper officer of an authority shall maintain records, as prescribed in paragraph (2), of the information contained in the notices given to him under regulations 3 and 4.

(4) Section 83 was amended by S.I. 1977/1710, the Local Government Act 1985 (c. 51), Schedule 17, the Education Reform Act 1988 (c. 40), Schedule 13 and the Local Government and Housing Act 1989 (c. 42), section 30(2).

(5) Section 33A was inserted by the Local Government and Housing Act 1989, section 30(1).

(2) The records shall consist of—

- (a) the date on which the proper officer received the notice;
- (b) the name of the councillor who gave the notice; and
- (c) the notice or a copy of it or a statement of the information contained in it.

(3) Paragraph (1) shall apply to information given by a councillor only for so long as he continues to be a member of the authority in question.

Inspecting the records

6. The proper officer shall keep the records open to inspection by members of the public without charge at all reasonable hours.

9th March 1992

Michael Heseltine
Secretary of State for the Environment

9th March 1992

David Hunt
Secretary of State for Wales

10th March 1992

Ian Lang
Secretary of State for Scotland

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

SCHEDULE

Regulation 3(1)

PRESCRIBED INFORMATION ON MEMBERS'
DIRECT AND INDIRECT PECUNIARY INTERESTS

Employment, office, trade, profession or vocation	<p>1. A description of any employment, office, trade, profession or vocation carried on by the councillor for profit or gain.</p> <p>2. The name of the person who employs him or, as the case may be, appointed him to the office, or the name of any firm in which he is a partner.</p>
Sponsorship	<p>3. The name of any person (other than a local authority) who has, not earlier than one year before the date the councillor gives the relevant notice under these Regulations, made a payment to the councillor in respect of—</p> <ul style="list-style-type: none"> (a) any expenses incurred by the councillor in carrying out his duties as a councillor; or (b) his election as a councillor.
Contracts	<p>4. A description of any contract of which the councillor is aware (including its duration, but excluding the consideration)—</p> <ul style="list-style-type: none"> (a) which is made between the councillor (or a firm in which he is a partner, or a body corporate of which he is a director or in the securities of which he has a beneficial interest) and the authority of which he is a member; (b) under which goods or services are to be provided or works are to be executed; and (c) which has not been fully discharged.
Land	<p>5. The address or other description of any land (sufficient to identify the land) in which the councillor has a beneficial interest and which is in the area of the authority of which he is a member.</p>
Licences	<p>6. The address or other description of land (sufficient to identify the land) which the councillor has—</p> <ul style="list-style-type: none"> (a) in England and Wales, a licence (alone or jointly with others), or (b) in Scotland, by informal arrangements, permission,

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

- to occupy for a month or longer and which is in the area of the authority of which he is a member.
- Corporate Tenancies
7. The address or other description of land (sufficient to identify the land) Tenancies held under a tenancy where (to the councillor's knowledge)—
- (a) the landlord is the authority of which the councillor is a member; and
 - (b) the tenant is a body corporate of which the councillor is a director or in the securities of which he has a beneficial interest or is a firm in which he is a partner.
- Interests in securities
8. The name of any body corporate where—
- (a) that body (to the councillor's knowledge) has a place of business or land in the area of the authority of which he is a member; and
 - (b) the councillor has a beneficial interest in the securities of that body where—
 - (i) the total nominal value of the securities in which he has a beneficial interest exceeds £25,000 or one hundredth of the total issued share capital of that body; or,
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which he has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
-
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require each elected member of a county, district or London borough council, the Council of the Isles of Scilly or the Common Council of the City of London (in England and Wales) or of a regional, islands or district council (in Scotland) to give the proper officer of the council a notice about his direct and indirect pecuniary interests. The notice must contain the information about his pecuniary interests prescribed by regulation 3 and the Schedule (or state that he has no such interest)

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

and must be given within the period specified in that regulation. Regulation 4 requires members to keep the information up to date. Regulations 5 and 6 require the proper officer of each council to maintain records of the information and to keep the records open to public inspection.

By virtue of section 19(2) of the Local Government and Housing Act 1989, a member of a local authority who fails without reasonable excuse to comply with the requirements of these Regulations, or who knowingly or recklessly provides false or misleading information in a notice under these Regulations, is guilty of an offence.