

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, Cross Heading: Local Government and Housing Act 1989 (c. 42). (See end of Document for details)

SCHEDULE 5

CONSEQUENTIAL AMENDMENTS RELATING TO CHIEF EXECUTIVES

Local Government and Housing Act 1989 (c. 42)

5 The Local Government and Housing Act 1989 is amended as follows.

Commencement Information

11 Sch. 5 para. 5 in force at 5.5.2022 by S.I. 2021/231, art. 6(s)

6 In section 1 (disqualification and political restriction of certain officers and staff), after subsection (1) insert—

“(1A) A person shall be disqualified from becoming (whether by election or otherwise) or remaining a member of any local authority in Wales if that person holds the post of chief executive of a local authority which is the council of a county or county borough in Wales.”

Commencement Information

12 Sch. 5 para. 6 in force at 5.5.2022 by S.I. 2021/231, art. 6(s)

7 In section 2 (politically restricted posts)—

(a) after subsection (1) insert—

“(1A) For the purposes of this Part other than section 1(1), a person appointed as the chief executive of a local authority which is the council of a county or county borough in Wales is to be regarded as holding a politically restricted post under that authority.”;

(b) in subsection (7)(a) and (b), after “head of the authority's paid service” in both places it occurs, insert “ or (in the case of a council for a county or county borough in Wales) the authority's chief executive ”.

Commencement Information

13 Sch. 5 para. 7 in force at 5.5.2022 by S.I. 2021/231, art. 6(s)

8 In section 4(6) (definition of “relevant authority”)—

(a) in paragraph (a), omit “and Wales”;

(b) after paragraph (a) (and before the “and” which follows it) insert—

“(aa) in relation to Wales, means an elected local policing body;”.

Commencement Information

14 Sch. 5 para. 8 in force at 5.5.2022 by S.I. 2021/231, art. 6(s)

9 In section 5 (designation and reports of monitoring officer)—

(a) in subsection (1B)—

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- (i) omit “and Wales”;
- (ii) omit paragraph (b);
- (b) after subsection (1B) insert—
 - “(1BA) The officer designated under subsection (1)(a) above by a relevant authority which is the council of a county or county borough in Wales may not be the authority's chief executive.”;
- [^{F1}(c) for subsection (3)(a) substitute—
 - “(a) in preparing a report under this section to consult so far as practicable with—
 - (i) in the case of a relevant authority which is the council of a county or county borough in Wales, the person who is for the time being the authority’s chief executive and with their chief finance officer;
 - (ii) in the case of a relevant authority which is a corporate joint committee, the person who is for the time being appointed as the authority’s chief executive and with their chief finance officer;
 - (iii) in the case of any other relevant authority, the person who is for the time being designated as the head of the authority’s paid service under section 4 above and with their chief finance officer;”]

Textual Amendments

F1 Sch. 5 para. 9(c) substituted (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **42(3)(b)**

Commencement Information

I5 Sch. 5 para. 9 in force at 5.5.2022 by [S.I. 2021/231](#), **art. 6(s)**

- 10 In section 5A(5) (consultation by monitoring officer on reports where council operates executive arrangements), in paragraph (a) after “chief finance officer” insert “ or, in the case of a council of a county or county borough in Wales, with the person who is for the time being the authority's chief executive and with their chief finance officer ”.

Commencement Information

I6 Sch. 5 para. 10 in force at 5.5.2022 by [S.I. 2021/231](#), **art. 6(s)**

- 11 In section 21 (interpretation of Part 1), in subsection (3) before the definition of “contravention” insert—

““chief executive” means the person appointed under section 54 of the Local Government and Elections (Wales) Act 2021 as the chief executive of a council of a county or county borough in Wales;”.

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Commencement Information

I7 Sch. 5 para. 11 in force at 5.5.2022 by S.I. 2021/231, art. 6(s)

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