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## STATUTORY INSTRUMENTS

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# 1990 No. 1553

## The Local Government (Committees and Political Groups) Regulations 1990

### PART III

#### POLITICAL BALANCE AND POLITICAL ASSISTANTS

##### Interpretation of Part III

**6.—**(1) Unless otherwise stated, regulations 7 to 13 and 15 apply for the purposes of sections 9, 15 and 16 of the 1989 Act.

(2) In the application of regulations 7 to 13 and 15 for the purposes of section 9 of the 1989 Act, “authority” means a relevant authority as defined in section 9(11) in relation to England and Wales.

##### Political groups

**7.** The members of an authority are to be treated as divided into different political groups when there is at least one political group in existence constituted in accordance with regulation 8.

##### Constitution of political groups

**8.—**(1) A political group shall be treated as constituted when there is delivered to the proper officer a notice in writing which—

- (a) is signed by two or more members of the authority who wish to be treated as a political group; and
- (b) complies with the provisions of paragraph (3).

(2) A political group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two.

(3) A notice under paragraph (1) shall state—

- (a) that the members of the authority who have signed it wish to be treated as a political group;
- (b) the name of the group; and
- (c) the name of one member of the group who has signed the notice and who is to act as its leader.

(4) A notice under paragraph (1) may specify the name of one other member of the group who has signed the notice and who is authorised to act in the place of the leader when he is unable to act (“the deputy leader”).

(5) The name of the group or the name of the person who is the leader or deputy leader may be changed by a further notice in writing delivered to the proper officer and signed—

- (a) in the case of a change in the name of the group or the deputy leader, by the leader of the group or a majority of the members of the group;

- (b) in the case of a change of the leader of the group, by a majority of the members of the group.

### **Membership of political groups**

9. Subject to regulations 11 and 12, a member of the authority is to be treated as a member of a political group if—

- (a) he has signed a notice in accordance with regulation 8; or
- (b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or deputy leader of the group or by a majority of the members of the group, stating that he wishes to join the group.

### **Cessation of membership**

10. A person is to be treated as having ceased to be a member of a political group when—

- (a) he has ceased to be a member of the authority;
- (b) he has notified the proper officer in writing that he no longer wishes to be treated as a member of the group;
- (c) there is delivered to the proper officer a notice under regulation 8 or 9(b) signed by the person whereby a new political group is constituted or he joins another political group; or
- (d) there is delivered to the proper officer a notice in writing signed by the majority of the members of the group stating that they no longer wish him to be treated as a member of it.

### **Restriction on membership**

11. No person shall be treated as a member of more than one political group at any given time and, accordingly, if a person changes the political group of which he is a member by a notice under regulation 8 or 9 he shall from the date of delivery of that notice be treated—

- (a) in the case of a notice under regulation 8, as a member only of the new political group which is constituted in accordance with that regulation; and
- (b) in the case of a notice under regulation 9(b), as a member only of the group named in the notice.

### **Same political group**

12. The members of two or more political groups constituted in accordance with regulation 8 shall be treated as members of the same political group for the purposes of applying the provisions in section 9 and the principle in section 15(5)(a) of the 1989 Act where more than half of the members of one of those political groups are described in the papers by which they are nominated for election, as belonging to a political group which is described in substantially the same terms in the nomination papers of more than half of the members of another political group.

### **Wishes of political groups**

13.—(1) The wishes of a political group are to be taken as those expressed to the proper officer—

- (a) orally or in writing by the leader or deputy leader of the group; or
- (b) in a written statement signed by a majority of the members of the group.

(2) In the event that different wishes of a political group are notified in accordance with paragraph (1), the wishes notified in accordance with paragraph (1)(b) shall prevail.

## **Notifications**

**14.** For the purpose of enabling a political group to express its wishes in accordance with section 16 of the 1989 Act, the proper officer shall notify in writing the leader or, in his absence, the deputy leader of a political group as soon as practicable after—

- (a) the allocation by the authority or committee to that group of a seat on a body to which section 15 of the 1989 Act applies; or
- (b) the vacation of a seat on such a body allocated by the authority or committee to that group.

## **Appointments where political group fails to express wishes**

**15.** Where a political group has failed to express its wishes in relation to the appointment to such a seat as is mentioned in regulation 14 within the period of three weeks beginning with the date on which notice was given under that regulation, the authority or committee may make such appointment to that seat as they think fit.

## **Modification of sections 15 and 16 of the 1989 Act**

**16.—**(1) In relation to any such case as is described in paragraph 3(2) of Schedule 1 to the 1989 Act, the provisions of sections 15 and 16 of the 1989 Act shall be modified as mentioned in paragraphs (2) and (3).

(2) Section 15(3) of the 1989 Act shall have effect as if for the words from “to determine” to the end there were substituted the words “to determine the allocation to each of those groups of such of the seats which fall to be filled by appointments made from time to time by that authority or committee as bear to the total of all of those seats the same proportion as is borne by the number of members of that group to the membership of the authority.”.

(3) Section 16 of the 1989 Act shall have effect as if, after subsection (2), there were inserted the following subsection—

“(2A) Where appointments fall to be made to seats on a body to which section 15 applies otherwise than in accordance with a determination under that section, it shall be the duty of the authority or the committee, as the case may be, so to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political group.”.