

1990 No. 851

LOCAL GOVERNMENT, ENGLAND AND WALES
LOCAL GOVERNMENT, SCOTLAND

The Local Government Officers (Political Restrictions)
Regulations 1990

<i>Made - - - -</i>	<i>4th April 1990</i>
<i>Laid before Parliament</i>	<i>5th April 1990</i>
<i>Coming into force</i>	<i>1st May 1990</i>

The Secretary of State for the Environment, as respects England, the Secretary of State for Scotland, as respects Scotland and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by section 1(5) and (6) of the Local Government and Housing Act 1989(a) 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 Officers (Political Restrictions) Regulations 1990 and shall come into force on 1st May 1990.

Interpretation

2. In these Regulations—

“the Act” means the Local Government and Housing Act 1989;

references to the appointee are references to a person holding such a post as is mentioned in regulation 3(1) and references to the holding of an appointment shall be construed accordingly;

references to a political party do not include references to an organisation whose objects relate solely to matters arising in, or connected with, a state which is not a member State(b); and

references to speaking to the public include references to the giving of an interview which, to the knowledge of the person giving it, is likely to result in the publication of statements made, or opinions expressed, during the course of the interview.

Terms of appointment and conditions of employment

3.—(1) The terms of appointment and conditions of employment of every person holding a politically restricted post under a local authority (including persons appointed to such posts before the coming into force of these Regulations) shall be deemed to incorporate—

(a) in all cases, the terms and conditions set out in Part I of the Schedule hereto;

(a) 1989 c.42.

(b) See the definition of “member” in Part II of Schedule 1 to the European Communities Act 1972 (c.68).

- (b) in the case of persons appointed otherwise than pursuant to section 9 of the Act (political assistants), the further terms and conditions set out in Part II of that Schedule; and
- (c) in the case of persons appointed pursuant to that section, the further terms and conditions set out in Part III of that Schedule.

(2) The terms and conditions referred to in paragraph (1)(a) to (c) apply to the appointee at all times while he holds his appointment.

Incidental and supplementary provisions

4. In determining whether a person is in breach of a term or condition set out in Part II of the Schedule hereto, regard shall be had, in particular, to the following matters—

- (a) whether the appointee referred to a political party or to persons identified with a political party, or whether anything said by him or the relevant work promotes or opposes a point of view identifiable as the view of one political party and not of another; and
- (b) where the appointee spoke or the work was published as part of a campaign, the effect which the campaign appears to be designed to achieve.

4th April 1990

Chris Patten
Secretary of State for the Environment

4th April 1990

Malcolm Rifkind
Secretary of State for Scotland

4th April 1990

Peter Walker
Secretary of State for Wales

SCHEDULE

Regulation 3

TERMS OF APPOINTMENT AND CONDITIONS OF EMPLOYMENT

PART I GENERAL

1. The appointee shall not announce or cause, authorise or permit anyone else to announce that he is, or intends to be, a candidate for election as a member of—

- (a) the House of Commons;
- (b) the European Parliament; or
- (c) a local authority within the meaning of section 21(1) or (2) of the Act.

2.—(1) Notwithstanding any contrary provision in his terms of appointment or his contract of employment, upon the appointee giving notice in writing to the local authority under which he holds his appointment that he wishes to resign his appointment because he intends to announce or cause, authorise or permit anyone else to announce that he is, or intends to be, a candidate for election to the House of Commons at a pending election, his appointment shall terminate forthwith.

(2) For the purposes of this paragraph an election shall be taken to be pending—

- (a) in the case of a general election, if the date proposed for the dissolution of Parliament preceding that election has been officially announced;
- (b) in the case of a by-election, if the vacancy giving rise to that election has occurred.

3. The appointee shall not act as an election agent or sub-agent within the meaning of section 67 or section 68 of the Representation of the People Act 1983(a) for a candidate for election as a member of a body mentioned in paragraph 1.

4. The appointee shall not be an officer of a political party or of any branch of such a party or a member of any committee or sub-committee of such a party or branch if his duties as such an officer or member would be likely to require him—

- (a) to participate in the general management of the party or the branch; or
- (b) to act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party.

5. The appointee shall not canvass on behalf of a political party or on behalf of a person who is, or proposes to be, a candidate for election to any of the bodies mentioned in paragraph 1.

PART II

ADDITIONAL TERMS AND CONDITIONS IN THE CASE OF OFFICERS NOT APPOINTED UNDER SECTION 9 OF THE ACT

6. The appointee shall not speak to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.

7.—(1) The appointee shall not—

(a) publish any written or artistic work of which he is the author (or one of the authors) or any written work or collection of artistic works in relation to which he has acted in an editorial capacity; or

(b) cause, authorise or permit any other person to publish such a work or collection, if the work appears to be intended to affect public support for a political party.

(2) Sub-paragraph (1) only applies to publication to the public at large or to a section of the public; and nothing in that sub-paragraph shall preclude the display of a poster or other document on property occupied by the appointee as his dwelling or on a vehicle or article used by him.

8. Nothing in paragraph 6 or 7 shall be construed as precluding the appointee from engaging in the activities there mentioned to such extent as is necessary for the proper performance of his official duties.

PART III

FURTHER TERMS AND CONDITIONS IN THE CASE OF OFFICERS APPOINTED UNDER SECTION 9 OF THE ACT

9. The appointee shall not speak to the public at large or to a section of the public in circumstances or terms which are likely to create the impression that he is speaking as an authorised representative of a political party, whether he is so authorised or not.

10. The appointee shall not publish any written or artistic work of which he is the author (or one of the authors) or any written work or collection of artistic works in relation to which he has acted in an editorial capacity or cause, authorise or permit any other person to publish such a work or collection in circumstances which are likely to create the impression that the publication is authorised by a political party, whether or not it is so authorised.

(a) 1983 c.2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose restrictions on the public political activities of local government officers who are appointed to or employed in posts which are politically restricted posts for the purposes of Part I of the Local Government and Housing Act 1989.

The restrictions take the form of terms and conditions that are deemed to be incorporated into those officers' terms of appointment and conditions of employment. The restrictions applicable to all holders of politically restricted posts are set out in Part I of the Schedule to the Regulations. Additional restrictions applicable to officers who are not appointed as political assistants under section 9 of the 1989 Act are set out in Part II of the Schedule. Additional restrictions applicable to political assistants appointed under section 9 are set out in Part III of the Schedule.

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