
STATUTORY INSTRUMENTS

1991 No. 344 (C.7)

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

**The Local Government and Housing Act 1989
(Commencement No.11 and Savings) Order 1991**

Made - - - - 26th February 1991

The Secretary of State, in exercise of the powers conferred upon him by section 195(2) and (3) of the Local Government and Housing Act 1989(1) and of all other powers enabling in that behalf, hereby makes the following Order—

1. This Order may be cited as the Local Government and Housing Act 1989 (Commencement No.11 and Savings) Order 1991.

2. In this Order—

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

“the 1973 Act” means the Local Government (Scotland) Act 1973(2); and

“the 1972 Act” means the Local Government Act 1972(3).

3.—(1) Section 194(1) of the 1989 Act in so far as it relates to paragraph 26 of Schedule 11 shall come into force on 27th February 1991 in relation only to the power to make regulations relating to the prescribed amount in section 173(1) of the 1972 Act(4).

(2) Subject to the provisions of the Schedule to this Order, the following provisions of the 1989 Act shall come into force on 1st April 1991—

(a) section 194(1) in so far as it relates to paragraphs 26, 27 and 28 of Schedule 11 (in so far as they will not then already be in force) and paragraphs 29 and 34 of that Schedule; and

(b) section 194(4) in so far as it relates to the repeals in Part II of Schedule 12 relating to—

(i) sections 177 to 178 of the 1972 Act(5);

(1) 1989 c. 42.

(2) 1973 c. 65.

(3) 1972 c. 70.

(4) Section 173(1) was amended by the Local Government, Planning and Land Act 1980 (c. 65), section 24(1).

(5) Section 177 was amended by section 11 of the Local Government Act 1986 (c. 10) and paragraph 10 of Schedule 6 to the Norfolk and Suffolk Broads Act 1988 (c. 4), section 177A was inserted by section 26(1) of the Local Government, Planning and Land Act 1980 (c. 65) and amended by the said paragraph 10 and by Schedule 17 and paragraph 20 of Schedule 14 to the Local Government Act 1985 (c. 51).

Status: This is the original version (as it was originally made).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

- (ii) sections 45, 45A and 49A of the 1973 Act⁽⁶⁾;
- (iii) the Education Act 1980⁽⁷⁾;
- (iv) the Local Government, Planning and Land Act 1980;
- (v) Schedule 14 to the Local Government Act 1985;
- (vi) the Local Government Act 1986; and
- (vii) the Norfolk and Suffolk Broads Act 1988.

26th February 1991

Michael Heseltine
One of Her Majesty's Principal Secretaries of
State

(6) Section 45 was amended by section 60(1) of the Local Government and Planning (Scotland) Act 1982 (c. 43), section 45A was inserted by the said section 60(1) and section 49A was inserted by section 26(3) of the Local Government, Planning and Land Act 1980.

(7) 1980 c. 20.

SCHEDULE

SAVINGS

- 1.—(1) Subsections (1) and (4) of section 194 of the 1989 Act in so far as they relate to—
- (a) paragraph 26 of Schedule 11 in so far as that paragraph amends subsection (4) of section 173 of the 1972 Act and, in relation only to the reference in that subsection to subsection (1) of that section, subsection (1);
 - (b) paragraph 28(2) of Schedule 11 (to the extent that it is not already in force); and
 - (c) the repeals in the Education Act 1980 and the Norfolk and Suffolk Broads Act 1988
- shall not come into force to the extent that they would affect the payment of financial loss allowance to a member of a relevant body, other than—
- (i) in the case of a relevant council, a member who is a councillor; and
 - (ii) in the case of any other relevant body, a member of that body who is a councillor of a relevant council or a member of the Common Council of the City of London and has been or is appointed or nominated to that body by that relevant council or the Common Council, as the case may be.
- (2) In sub-paragraph (1)—
- “financial loss allowance” has the same meaning as in section 173(4) of the 1972 Act;
 - “member” includes a member of a committee or sub-committee of a relevant body;
 - “relevant body” means a body to which the said section 173(4) applies at the date this Order is made; and
 - “relevant council” means a county, district, London borough council, parish or community council and the Council of the Isles of Scilly.
- 2.—(1) Section 194(4) of the 1989 Act in so far as it relates to the repeal in Part II of Schedule 12 of section 45 of the 1973 Act shall not come into force to the extent that subsection (4) of the said section 45 relates to a member of a body to which, at the date this Order is made, the said section 45 applies, other than—
- (a) in the case of a local authority, a member who is a councillor; and
 - (b) in the case of any other body to which, at that date, the said section 45 applies, a member of that body who is a councillor of a local authority and has been or is appointed, elected or nominated to that body by that local authority.
- (2) In sub-paragraph (1)—
- “local authority” means a regional, islands or district council; and
 - “member” in relation to a body includes a member of a committee or sub-committee of that body.
- 3.—(1) Section 194(4) of the 1989 Act in so far as it relates to the repeal in Part II of Schedule 12 of section 49A of the 1973 Act and section 26(3) of the Local Government, Planning and Land Act 1980 shall not come into force to the extent that the said section 49A is applied to members of licensing boards by section 3 of the Licensing (Scotland) Act 1976(8).
- (2) In sub-paragraph (1) “licensing board” means a licensing board constituted under section 1 of the Licensing (Scotland) Act 1976.

(8) 1976 c. 66.

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st April 1991 provisions of the Local Government and Housing Act 1989 (in so far as they are not already in force) which make amendments and repeals, relating to allowances to members of local authorities and other bodies, relating to—

sections 173, 173A, 175 and 177 to 178 of the Local Government Act 1972,
sections 45, 45A, 47 and 49A of the Local Government (Scotland) Act 1973,
the Education Act 1980,
the Local Government, Planning and Land Act 1980,
Schedule 14 to the Local Government Act 1985,
the Local Government Act 1986, and
the Norfolk and Suffolk Broads Act 1988.

The Schedule to the Order contains savings provisions (relating to financial loss allowances) for amendments and repeals relating to sections 173 and 177(1) of the 1972 Act, sections 45 and 49A of the 1973 Act, section 26(3) of the Local Government, Planning and Land Act 1980, the Education Act 1980 and the 1988 Act.

In relation only to the power to prescribe amounts under section 173(1) of the 1972 Act, the Order brings into force on 27th February 1991 the amendment to section 173 made by paragraph 26 of Schedule 11.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Local Government and Housing Act 1989 have been brought into force by commencement orders made before the date of this Order—

Provisions	Date of Commencement	S.I.No.
s. 1(5) and (6)	29th November 1989	1989/2186
s. 2		
s. 140 (partially)	1st December 1989	1989/2180
s. 142 (partially)		
ss. 143 and 144		
s. 145 (partially)		
s. 159		
s. 179		
194(1) and (4) (partially)		
Sch. 6 (partially)		

Provisions	Date of Commencement	S.I.No.
Sch. 11 (partially)		
Sch. 12 (partially)		
s. 9 (partially)	16th January 1990	1989/2445
ss. 13 to 15 (partially)		
s. 17 (partially)		
s. 18		
s. 19 (partially)		
s. 20		
s. 22		
s. 30 (partially)		
s. 31		
ss. 33 to 36 (partially)		
ss. 39 to 66		
ss. 67 to 72 (partially)		
ss. 89 to 92 (partially)		
ss. 95 and 96 (partially)		
s. 98 (partially)		
s. 99		
s. 102 (partially)		
s. 104 (partially)		
ss. 109 and 110 (partially)		
s. 115 (partially)		
s. 121 (partially)		
s. 127 (partially)		
ss. 130 to 132 (partially)		
ss. 137 and 138		
s. 160		
s. 162		
s. 165(1) (partially)		
ss. 167 and 168		
s. 171		
s. 172(6), (7) and (8)		
s. 175		
ss. 176 to 178		1989/2180

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

Provisions	Date of Commencement	S.I.No.
s. 180		1989/2445
s. 182		
s. 185		1989/2180
s. 194(1) and (4) (partially)		
s. 194 (partially)		1989/2445
Sch. 3		
Sch. 8		
Sch. 9 (partially)		
Sch. 11 (partially)		
Sch. 11 (partially)		1989/2180
Sch. 12 (partially)		
Sch. 12 (partially)		1989/2445
s. 194(1) (partially)	26th February 1990	1990/191
Sch. 11 (partially)		
s. 1(1) to (4), (7) and (8)	1st March 1990	1989/2445
s. 164		1990/191
s. 165(3) to (9)		
s. 172 (in so far as not already in force)		1989/2445
s. 173		
s. 194(4) (partially)		1990/191
Sch. 12 (partially)		
s. 194(2) (partially)	5th March 1990	1990/431
s.194(3)		
s. 10	1st April 1990	1990/431
s. 23		
ss. 25 to 29		
s. 33 to 35 (in so far as not already in force)		1990/762
s. 36 (in so far as not already in force)		1990/431
ss. 37 and 38		
ss. 89 to 98 (in so far as not already in force)		
s. 100 (in so far as not already in force)		

Provisions	Date of Commencement	S.I.No.
s. 131 (in so far as not already in force)		
s. 132(1) to (4) (partially)		
s. 145 (partially)		1989/2180
s. 156		1990/431
s. 165(1) (partially)		
s. 165(2)		
s. 169 (partially)		
s. 170		1989/2180
s. 183		1990/431
s. 186		
s. 194(1) (partially)		
s. 194(1) (partially)		1990/762
s. 194(2) (in so far as not already in force)		1990/431
s. 194(4) (partially)		1989/2180
s. 194(4) (partially)		1990/431
Sch. 6 (partially)		1989/2180
Sch. 9 (partially)		1990/431
Sch. 11 (partially)		1990/762
Sch. 11 (partially)		1990/431
Sch. 12 (partially)		1990/431
s. 30(1) (in so far as not already in force)	3rd May 1990	1990/961
s. 30(2) (partially)		
s. 32		
s. 101 (partially)	1st July 1990	1990/1274
s. 102 (in so far as not already in force)		(as amended by 1990/1335)
s. 103		
s. 104 (in so far as not already in force)		
ss. 105 to 108		
ss. 109 and 110 (in so far as not already in force)		
ss. 111 to 114		

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

Provisions	Date of Commencement	S.I.No.
s. 115 (so far as not already in force)		
ss. 116 to 120		
s. 121 (in so far as not already in force)		
ss. 122 to 126		
s. 127 (in so far as not already in force)		
ss. 128 and 129		
s. 130 (in so far as not already in force)		
s. 132 (in so far as not already in force)		
ss. 133 to 136		
s. 165(1) (in so far as not already in force)		
s. 169 (in so far as not already in force)		
s. 194(1) (partially)		
s. 194(4) (partially)		
Sch. 11 (partially)		
Sch. 12 (partially)		
s. 9 (as it applies in relation to England and Wales and in so far as not already in force)	1st August 1990	1990/1552
s. 13 (in so far as not already in force)		
s. 15 (as it applies in relation to England and Wales and in so far as not already in force)		
s. 16 (as it applies in relation to England and Wales)		
s. 17 (as it applies in relation to England and Wales and in so far as not already in force)		
s. 194(4) (partially)		
Sch. 1 (as it applies in relation to England and Wales and in so far as not already in force)		
Sch. 12 (partially)		

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

Provisions	Date of Commencement	S.I.No.
s. 30(2) (in so far as not already in force)	1st January 1991	1990/2581