
STATUTORY INSTRUMENTS

1998 No. 1918

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government (Committees and
Political Groups) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>5th August 1998</i>
<i>Laid before Parliament</i>		<i>12th August 1998</i>
<i>Coming into force</i>	- -	<i>2nd September 1998</i>

The Secretary of State, in exercise of powers conferred on him by sections 13(4)(g) and 190(1) of, and paragraph 1 of Schedule 1 to, the Local Government and Housing Act 1989⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Local Government (Committees and Political Groups) (Amendment) Regulations 1998 and shall come into force on 2nd September 1998.

Amendment of Regulations

2. The Local Government (Committees and Political Groups) Regulations 1990⁽²⁾ shall be amended in accordance with the following provisions of these Regulations.

Prescribed functions of authorities where all members of committees discharging those functions may have voting rights

3.—(1) In regulation 4(1)—

(a) in sub-paragraph (g), delete “in the case of a metropolitan district council” and the word “and” at the end; and

(b) for sub-paragraph (h) substitute—

“(h) in the case of the council of a county in England, any function of that council mentioned in the Schedule to these Regulations to the extent that it is discharged by a committee the members of which consist solely of members of that council and of members of the council of any district in the county or (as the case may be) a district which has ceased to be in the county pursuant to an order made

(1) 1989 c. 42.

(2) S.I. 1990/1553; amended by S.I. 1991/1398 and 1993/1339.

under section 17 of the Local Government Act 1992⁽³⁾ giving effect to a structural change (within the meaning of that Act); and

- (i) in the case of the council of a district, any function of that council mentioned in that Schedule to the extent that it is discharged by a committee the members of which consist solely of members of that council and of members of the council of the county in which the district is situated.”.

(2) For the Schedule (provisions conferring prescribed functions)⁽⁴⁾ substitute the Schedule contained in the Schedule to these Regulations.

Exception to application of section 15 of 1989 Act

4.—(1) In regulation 16A (area committees and sub-committees)⁽⁵⁾, number the existing words as paragraph (1) and for paragraph (1)(b) substitute—

- “(b) all the voting members of the committee or sub-committee who are members of the council or, in either of the cases falling within paragraph (2) below, of another council have been elected for electoral divisions or wards which are wholly or partly within that part;”.

(2) At the end of regulation 16A add—

“(2) The cases mentioned in paragraph (1)(b) above are—

- (a) a committee or sub-committee of a county council established in respect of a part of the county comprising the whole or part of one or more districts within the county and whose members include members of the council of the district or, as the case may be, districts; or
- (b) a committee or sub-committee of a district council whose members include members of the council of the county in which the district is situated.”.

(3) After regulation 16A, add—

“Joint area committees of county and district councils

16B.—(1) Section 15 of the 1989 Act shall not apply to a joint committee where—

- (a) the relevant authorities appointing the joint committee are the councils of a county in England and of one or more districts in the county;
- (b) the joint committee is established exclusively to discharge functions in respect of an area comprising the whole or part of one or more such districts;
- (c) at least one member elected for each electoral division or ward which is wholly or partly within that area is appointed a voting member of the joint committee by each relevant authority; and
- (d) not more than two of the voting members of the joint committee appointed by each relevant authority have been elected for electoral divisions or wards which are outside that area.

(2) In this regulation, “joint committee” means a body described in paragraph 2(1)(h) of Schedule 1 to the 1989 Act.”.

(3) 1992 c. 19.

(4) The Schedule was inserted by S.I. 1993/1339.

(5) Regulation 16A was inserted by regulation 6 of S.I. 1991/1398.

Signed by authority of the Secretary of State

5th August 1998

Hilary Armstrong
Minister of State,
Department of the Environment, Transport and
the Regions

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(2)

“SCHEDULE

Regulation 4(1)(h) and (i)

PRESCRIBED FUNCTIONS

PART I

Functions of a county council in its capacity as a highway authority under any enactment.

Functions of a district council under the Highways Act 1980(6).

Functions of a county or (as the case may be) district council under any of the enactments listed in Part II of this Schedule.

PART II

Sections 37 to 68 of the Town Police Clauses Act 1847 (hackney carriages)(7)

Sections 17 to 19 of the Public Health Act 1925 (street naming)(8)

Sections 4 to 7 of the Local Government (Miscellaneous) Provisions Act 1953 (bus shelters)(9)

Public Libraries and Museums Act 1964(10)

Countryside Act 1968(11)

Transport Act 1968(12)

Local Authority Social Services Act 1970(13)

Part II of the Land Compensation Act 1973 (mitigation of injurious effect of public works)(14)

Sections 22 and 23 (street cleaning) of the Control of Pollution Act 1974(15)

Sections 23 to 26 (dangerous trees and excavations), and Part II (hackney carriages and private hire vehicles), of the Local Government (Miscellaneous Provisions) Act 1976(16)

Public Passenger Vehicles Act 1981(17)

Part III of the Wildlife and Countryside Act 1981 (public rights of way)(18)

Road Traffic Regulation Act 1984(19)

Transport Act 1985(20)

Road Traffic Act 1988(21)

(6) 1980 c. 66.
(7) 10 & 11 Vict c.89.
(8) 15 & 16 Geo 5 c.71.
(9) 1953 1 & 2 Eliz 2 c.26.
(10) 1964 c. 75.
(11) 1968 c. 41.
(12) 1968 c. 73.
(13) 1970 c. 42.
(14) 1973 c. 26.
(15) 1974 c. 40.
(16) 1976 c. 57.
(17) 1981 c. 14.
(18) 1981 c. 69.
(19) 1984 c. 27.
(20) 1985 c. 67.
(21) 1988 c. 52.

Chapter II of Part VI (interests affected by planning proposals: blight) and Part X (highways) of the Town and Country Planning Act 1990(22)

Environmental Protection Act 1990(23)

Road Traffic Act 1991(24)

Environment Act 1995(25)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Government (Committees and Political Groups) Regulations 1990 (“the 1990 Regulations”).

Regulation 3 amends regulation 4 of the 1990 Regulations which specifies the circumstances in which members of certain committees and sub-committees may have voting rights. It extends the provision in connection with committees established exclusively to discharge superannuation functions to all authorities and not just to metropolitan district councils.

Regulation 3 also provides—

- (a) in the case of an English county council committee discharging any of the functions in a substituted Schedule to the 1990 Regulations, for voting rights to be extended to district council members of the committee where the district is in the county or ceased to be in the county pursuant to local government reorganisation under the Local Government Act 1992; and
- (b) in the case of a district council committee discharging any of those functions, voting rights are extended to committee members who are members of the council of the county comprising the district.

Regulation 4(1) amends regulation 16A of the 1990 Regulations and extends an exception to the duty to allocate seats to different political groups in relation to committees and sub-committees established for a particular part of the area of certain councils where the members have been elected for divisions or wards wholly or partly within the part concerned.

Regulation 4(2) inserts a new regulation 16B into the 1990 Regulations which provides an exception to the duty to allocate seats to different political groups in relation to a joint committee of a county and one or more district councils which is established exclusively to discharge functions in respect of the whole or part of the area of a district.

(22) 1990 c. 8.

(23) 1990 c. 43.

(24) 1991 c. 40.

(25) 1995 c. 25.