



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 10

#### ETHICAL STANDARDS

#### CHAPTER 1

#### CONDUCT OF LOCAL AUTHORITY MEMBERS

#### *Codes of conduct*

#### **183 Conduct that may be covered by code**

(1) In section 49 of the Local Government Act 2000 (c. 22) (principles governing conduct of members of relevant authorities), after subsection (2) insert—

<sup>F1</sup>“(2A) .....

<sup>F1</sup>(2B) .....

(2C) An order under subsection (1) may define, for the purposes of the order—  
“official capacity”; and  
“criminal offence”.

(2D) An order under subsection (2)—

- (a) may specify principles which are to apply to a person at all times;
- (b) may specify principles which are to apply to a person otherwise than at all times.”

(2) In section 50 of that Act (model code of conduct), after subsection (4) insert—

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<sup>F2cc</sup>(4A) .....

<sup>F2</sup>(4B) .....

(4C) A model code of conduct issued under subsection (1) may define for the purposes of the code—

- “official capacity”; and
- “criminal offence”.

(4D) Provision included under subsection (4A) or (4C) in a model code of conduct—

- (a) must be consistent with the provision for the time being included in an order under section 49(1) by virtue of section 49(2A) or (2C);
- (b) is to be mandatory except to the extent that it relates to an optional provision;
- (c) to the extent that it relates to an optional provision, is to be mandatory where that optional provision is incorporated in a code of conduct under section 51.

(4E) A model code of conduct issued under subsection (2) may include—

- (a) provisions which are to apply to a person at all times;
- (b) provisions which are to apply to a person otherwise than at all times.”

(3) In section 51 of that Act (duty of relevant authorities to adopt codes of conduct), after subsection (4) insert—

<sup>F3cc</sup>(4A) .....

<sup>F3</sup>(4B) .....

(4C) The provisions which may be included under subsection (4)(c) by a relevant authority in Wales other than a police authority include—

- (a) provisions which are to apply to a person at all times;
- (b) provisions which are to apply to a person otherwise than at all times.”

(4) In section 52 of that Act (duty to comply with code of conduct), in each of subsections (1) to (4), omit the words “in performing his functions”.

(5) Subsection (6) below applies where immediately before the commencement date a person is a member or co-opted member of a relevant authority and not prevented by any provision of section 52 of that Act from acting as such.

(6) The coming into force of this section shall not have the effect of preventing the person from acting as a member or co-opted member of the relevant authority, but—

- (a) he must before the end of the prescribed period give to that authority a written undertaking that he will observe the authority's code of conduct for the time being; and
- (b) if he fails to comply with paragraph (a), he shall cease to be a member or co-opted member at the end of that period.

(7) With effect from the commencement date—

- (a) any order under section 49(2) or 50(2) of the Local Government Act 2000 (c. 22), and
- (b) any code of conduct of a relevant authority <sup>F4</sup>....,

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which is in force immediately before that date shall have effect as if the amendments made by this section had always had effect.

- (8) Subsection (7) does not affect the operation of any order or code in relation to any time before the commencement date.
- (9) In this section the following expressions have the same meanings as in Part 3 of the Local Government Act 2000—
- “code of conduct”;
  - “co-opted member”;
  - “member of a relevant authority”;
  - “relevant authority”.
- (10) References in subsections (6) to (8) to the code of conduct of a relevant authority include, in relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b) of the Local Government Act 2000, those mandatory provisions.
- (11) In this section—
- “the commencement date” means the date this section comes into force;
  - “the prescribed period” means such period, beginning with the commencement date, as may be prescribed for the purposes of subsection (6) by order made by the Secretary of State.

#### Textual Amendments

- F1** Words in s. 183(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(2\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)
- F2** Words in s. 183(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(3\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)
- F3** Words in s. 183(3) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(4\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)
- F4** Words in s. 183(7)(b) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(5\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

#### Commencement Information

- I1** S. 183(1) in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 5\(1\)\(a\)](#)
- I2** S. 183(2) in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 5\(1\)\(b\)](#)
- I3** S. 183(3) in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 5\(1\)\(c\)](#)
- I4** S. 183(4)-(6) in force at 31.1.2008 for W. by [S.I. 2008/172](#), [art. 5\(2\)](#)
- I5** S. 183(7)-(11) in force at 31.1.2008 by [S.I. 2008/172](#), [art. 5\(1\)\(d\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)*

**184 Certain references to code of conduct to include default code**

(1) In section 37 of the Local Government Act 2000 (c. 22) (local authority constitution), after subsection (3) insert—

“(4) In relation to an authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), the reference in subsection (1)(c) to the authority's code of conduct for the time being under section 51 is to the mandatory provisions which for the time being apply to the members and co-opted members of the authority.”

(2) In section 52 of that Act (duty to comply with code of conduct), after subsection (4) insert—

“(5) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b)—  
(a) the references in subsections (2) to (4) to the authority's code of conduct for the time being under section 51 include the mandatory provisions which for the time being apply to the members and co-opted members of the authority, and  
(b) the references in subsections (3) and (4) to any time after the authority have adopted a code of conduct under section 51 for the first time are to be read as references to any time after the coming into force of section 184 of the Local Government and Public Involvement in Health Act 2007.”

(3) In section 54 of that Act (functions of standards committees), after subsection (3) insert—

“(3A) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), references in subsection (1)(b) and (2)(b) and (c) to the authority's code of conduct are to those mandatory provisions.”

**Commencement Information**

**I6** S. 184 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(i\)](#)

*Conduct of members of authorities in England: assessment of allegations*

**F5 185 Assessment of allegations**

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**Textual Amendments**

**F5** Ss. 185-187 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), [art. 5\(d\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714](#), [art. 2](#)); [S.I. 2012/2913](#), [arts. 1\(2\), 2\(b\)\(c\)](#) (with [arts. 3-6](#))

**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)

**F5 186 Information to be provided to Standards Board by relevant authority**

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**Textual Amendments**

**F5** Ss. 185-187 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

*Conduct of local authority members: miscellaneous amendments*

**F5 187 Chairmen of standards committees**

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**Textual Amendments**

**F5** Ss. 185-187 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**188 Sub-committees of standards committees**

(1) In section 54A of the Local Government Act 2000 (sub-committees of standards committees)—

(a) in subsection (2) omit the words “55 or”;

**F6**(b) .....

**F6**(c) .....

**F7**(2) .....

**Textual Amendments**

**F6** S. 188(1)(b)(c) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**F7** S. 188(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**Commencement Information**

**I7** S. 188 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(j\)](#) (with [art. 2\(2\)](#))

**F8 189 Joint committees of relevant authorities in England**

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*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)*

**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 190 Standards Board for England: functions**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 191 Ethical standards officers: investigations and findings**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 192 Ethical standards officers: reports etc**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 193 Disclosure by monitoring officers of ethical standards officers' reports**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)*

**194 Matters referred to monitoring officers**

- F9(1) .....
- F9(2) .....
- F9(3) .....
- F9(4) .....
- F9(5) .....
- F9(6) .....
- F9(7) .....

(8) In section 73 of that Act (matters referred to monitoring officers in Wales), in each of subsections (1) and (7), for “70(4) or 71(2)” substitute “ 70(4) or (5) or 71(2) or (4) ”.

(9) In section 82A(1) of that Act (delegation of functions by monitoring officers), for the words from “60(2)” to “71(2)” substitute “ 57A, 60(2) or (3), 64(2) or (4), 70(4) or (5) or 71(2) or (4) ”.

**Textual Amendments**

**F9** S. 194(1)-(7) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**Commencement Information**

**I8** S. 194 in force at 31.1.2008 by [S.I. 2008/172](#), art. 2(1)(o)

**F10 195 References to Adjudication Panel for action in respect of misconduct**

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**Textual Amendments**

**F10** Ss. 195, 196 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**F10 196 Consultation with ombudsmen**

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**Textual Amendments**

**F10** Ss. 195, 196 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

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## 197 Interim case tribunals

- (1) Section 78 of the Local Government Act 2000 (c. 22) (decisions of interim case tribunals) is amended as follows.
- (2) In subsection (1)(b) for “authority concerned” substitute “ relevant authority concerned ”.
- (3) For subsections (2) and (3) substitute—
  - “(2) If the decision of the interim case tribunal is as mentioned in subsection (1) (a), the tribunal must give notice of its decision to the standards committee of the relevant authority concerned.
  - (3) If the decision of the interim case tribunal is as mentioned in subsection (1) (b), the tribunal must give notice to the standards committee of the relevant authority concerned stating that the person concerned is suspended or partially suspended for the period, and in the way, that the tribunal has decided.
  - (3A) The effect of a notice given under subsection (3) is to suspend or partially suspend the person concerned as mentioned in subsection (3).”
- (4) In subsection (6) for “under section 79 is given” substitute “ is given by virtue of section 78A or 79 ”.
- (5) For subsection (8) substitute—
  - “(8) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority—
    - (a) the references in subsection (1) to the relevant authority concerned are to be treated as references to that other authority,
    - (b) the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to that other relevant authority,
    - (c) the duty under subsection (3) to give notice to the standards committee of the relevant authority concerned is to be treated as a duty—
      - (i) to give that notice to the standards committee of that other relevant authority, and
      - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned.
  - (8A) Subsection (8) does not apply unless—
    - (a) where the relevant authority concerned is in England, the other relevant authority is also in England,
    - (b) where the relevant authority concerned is in Wales, the other relevant authority is also in Wales.”
- (6) After subsection (10) insert—
  - “(11) An appeal may not be brought under subsection (10) except with the leave of the High Court.”



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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)

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### Commencement Information

**I9** S. 197 in force at 12.12.2008 by S.I. 2008/3110, art. 2(d)

## <sup>F11</sup>198 Case tribunals: England

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### Textual Amendments

**F11** S. 198 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

## 199 Case tribunals: Wales

- (1) Section 79 of the Local Government Act 2000 (c. 22) (decisions of case tribunals) is amended as follows.
- (2) For the sidenote substitute “ Decisions of case tribunals: Wales ”.
- (3) Before subsection (1) insert—
  - “(A1) In this section “Welsh case tribunal” means a case tribunal drawn from the Adjudication Panel for Wales.”
- (4) In subsections (1) to (15) for “case tribunal”, in each place where it occurs, substitute “ Welsh case tribunal ”.
- (5) In subsection (8)(c) for “must be suspended or partially suspended by the relevant authority concerned” substitute “ is suspended or partially suspended ”.
- (6) For subsection (9) substitute—
  - “(9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c).”
- (7) In subsection (12), for paragraph (a) substitute—
  - “(a) must be given to the Public Services Ombudsman for Wales.”.
- (8) In subsection (13)—
  - (a) for “the same country (that is to say, England or Wales)” substitute “ Wales ”;
  - (b) for paragraph (b) substitute—
    - “(b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority.”.
- (9) After subsection (15) insert—
  - “(16) An appeal may not be brought under subsection (15) except with the leave of the High Court.”

*Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)*

**Commencement Information**

**I10** S. 199 in force at 12.12.2008 by [S.I. 2008/3110](#), [art. 2\(f\)](#)

**200 Exemption from Data Protection Act 1998**

In section 31 of the Data Protection Act 1998 (c. 29) (exemptions for regulatory activity), after subsection (6) insert—

“(7) Personal data processed for the purpose of discharging any function which is conferred by or under Part 3 of the Local Government Act 2000 on—

- (a) the monitoring officer of a relevant authority,
- (b) an ethical standards officer, or
- (c) the Public Services Ombudsman for Wales,

are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.

(8) In subsection (7)—

- (a) “relevant authority” has the meaning given by section 49(6) of the Local Government Act 2000, and
- (b) any reference to the monitoring officer of a relevant authority, or to an ethical standards officer, has the same meaning as in Part 3 of that Act.”

**Commencement Information**

**I11** S. 200 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(k\)](#)

**201 Supplementary and consequential provision**

(1) Subsection (2) applies in relation to any provision of Part 3 of the Local Government Act 2000 (c. 22) which is applied (with or without modifications) by an order under section 70 of that Act made before the passing of this Act.

(2) Any amendment of that provision by this Part does not extend to the provision as so applied.

(3) Where a provision mentioned in section 70(2)(a) of that Act is amended by this Part, the power in section 70(2) of that Act to apply or reproduce that provision (with or without modifications) is a power to apply or reproduce (with or without modifications) that provision either as amended by this Part or without the amendments made by this Part.

(4) In the Local Government Act 1972 (c. 70)—

- (a) in section 85(3A) (vacation of office by failure to attend), for “73, 78” substitute “66A, 73, 78, 78A”;

<sup>F12</sup>(b) .....

<sup>F12</sup>(c) .....

<sup>F13</sup>(5) .....

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)

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- (6) In the Greater London Authority Act 1999 (c. 29), in each of sections 6(5) and 13(2) (failure to attend meetings), for “73, 78” substitute “ 66A, 73, 78, 78A ”.

#### Textual Amendments

- F12** S. 201(4)(b)(c) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)
- F13** S. 201(5) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); S.I. 2015/841, art. 3(a) (with arts. 5-8, Sch.) (as amended (27.6.2016) by S.I. 2016/675, art. 2)

#### Commencement Information

- I12** S. 201 in force at 1.4.2008 by S.I. 2008/172, art. 4(I)

## CHAPTER 2

### EMPLOYEES

#### 202 Politically restricted posts: grant and supervision of exemptions

- (1) In section 3 of the Local Government and Housing Act 1989 (c. 42) (grant and supervision of exemptions from political restriction of posts)—
- at the end of the sidenote, insert “ : Scotland and Wales ”;
  - in subsection (1) for the words “It shall be the duty of the Secretary of State to appoint a person” substitute “ It shall be the duty of the Scottish Ministers to appoint in relation to Scotland, and the duty of the Welsh Ministers to appoint in relation to Wales, a person ”;
  - omit subsection (8)(a);
  - in subsection (8)(b), for “that subsection” substitute “ subsection (1) ”.
- (2) After that section insert—

#### **“3A Grant and supervision of exemptions from political restriction: England**

- (1) The standards committee of a local authority in England which is a relevant authority—
- must consider any application for exemption from political restriction which is made to the committee, in respect of any post under the relevant authority, by the holder for the time being of that post; and
  - may, on the application of any person or otherwise, give directions to the relevant authority requiring it to include a post in the list maintained by the authority under section 2(2).
- (2) An application may not be made under subsection (1)(a) unless—
- the relevant authority have specified or are proposing to specify the post in the list maintained by them under section 2(2); and

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)

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- (b) in the case of a post within section 2(2)(a) or (b), the relevant authority have certified whether or not, in their opinion, the duties of the post fall within section 2(3);
- and the relevant authority must give a certificate for the purposes of paragraph (b) above in relation to any post if requested to do so by the holder of that post.
- (3) If, on an application under subsection (1)(a) in respect of any post, the standards committee is satisfied that the duties of the post do not fall within section 2(3), the committee must direct—
- (a) that, for so long as the direction has effect in accordance with its terms, the post is not to be regarded as a politically restricted post; and
- (b) that accordingly the post is not to be specified in the list maintained by the relevant authority under section 2(2) or (as the case may be) is to be removed from that list.
- (4) A standards committee may not give a direction under subsection (1)(b) in respect of any post unless the committee is satisfied that—
- (a) the duties of the post fall within section 2(3); and
- (b) the post is neither—
- (i) in any list maintained by the relevant authority in accordance with section 2(2) above or section 100G(2) of the Local Government Act 1972; nor
- (ii) of a description specified in any regulations under section 2(2) above.
- (5) A standards committee must when determining for the purposes of subsection (3) or (4) whether or not the duties of a post fall within section 2(3) have regard to any general advice given by the Secretary of State under section 3B.
- (6) Every local authority in England which is a relevant authority must—
- (a) give its standards committee all such information as the committee may reasonably require for the purpose of carrying out its functions under this section;
- (b) comply with any direction under this section with respect to the list maintained by the authority; and
- (c) on being given a direction under subsection (1)(b), notify the terms of the direction to the person who holds the post to which the direction relates.
- (7) In carrying out its functions under this section a standards committee must give priority, according to the time available before the election, to any application under subsection (1)(a) from a person who certifies that the application is made for the purpose of enabling him to be a candidate in a forthcoming election.
- (8) The Secretary of State may make regulations requiring a local authority in England which is not a relevant authority to establish a committee to exercise the functions conferred by this section on the standards committee of a local authority in England which is a relevant authority.
- (9) Regulations under subsection (8) may include provision—

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)

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- (a) applying any provisions of this section (with or without modification) where a committee has been established under the regulations;
- (b) applying (with or without modification) any provision of section 53 of the Local Government Act 2000 or regulations made under subsection (6) of that section.

(10) In this section—

“standards committee” means a committee established under section 53(1) of the Local Government Act 2000;

“relevant authority” has the meaning given by section 49(6) of that Act.

### 3B General advice as to politically restricted posts: England

- (1) The Secretary of State may in relation to England give such general advice with respect to the determination of questions arising by virtue of section 2(3) as he considers appropriate.
- (2) Before giving general advice under this section the Secretary of State must consult such representatives of local government and such organisations appearing to him to represent employees in local government as he considers appropriate.”

#### Commencement Information

**I13** S. 202(1) in force at 1.4.2008 by [S.I. 2008/172](#), [art. 9\(1\)](#)

**I14** S. 202(2) in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 9\(2\)](#)

**I15** S. 202(2) in force at 1.4.2008 in so far as not already in force by [S.I. 2008/172](#), [art. 9\(3\)](#)

## 203 Politically restricted posts: consequential amendments

(1) In section 2 of the Local Government and Housing Act 1989 (c. 42) (politically restricted posts)—

- (a) in subsections (1)(g) and (2) after “section 3” insert “ or 3A ”;
- (b) in subsection (5) after “local authority” insert “ in Scotland and Wales ”;
- (c) after subsection (5) insert—

“(5A) It shall be the duty of every local authority in England in performing their duties under this section to have regard to such general advice as may be given by virtue of section 3B below by the Secretary of State.”

(2) In Schedule 7 to the Environment Act 1995 (c. 25) (national park authorities), in paragraph 7(4) for “3” substitute “ 3A ”.

(3) In the Greater London Authority Act 1999 (c. 29) —

- (a) in section 61(2)(a) (power to require attendance at Assembly meetings) for “to 3” substitute “ , 2 and 3A ”;
- (b) in section 68(1)(b) (disqualification and political restriction) for “and 3” substitute “ and 3A ”;
- (c) in section 70(7) (terms and conditions of employment) for “and 3” substitute “ and 3A ”.

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10. (See end of Document for details)

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**Commencement Information**

**I16** S. 203 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(m\)](#)

**204 Political assistants' pay**

In section 9 of the Local Government and Housing Act 1989, after subsection (4) insert—

“(4A) An order made under subsection (4)(a) above in relation to England or Wales may, instead of specifying an amount, specify a point on a relevant scale specified by the order.

(4B) A “relevant scale” is a scale consisting of points and of amounts corresponding to those points.

(4C) In relation to any time while an order made by virtue of subsection (4A) above is in force, the amount that at that time corresponds to the point specified by the order is to be treated for the purposes of subsection (4)(a) above as specified by the order.”

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**Commencement Information**

**I17** S. 204 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(q\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 10.