



# Local Government and Housing Act 1989

## 1989 CHAPTER 42

### PART I

#### LOCAL AUTHORITY MEMBERS, OFFICERS, STAFF AND COMMITTEES ETC.

##### *Interpretation of Part I*

#### 21 Interpretation of Part I.

- (1) Any reference in this Part to a local authority is, in relation to England and Wales, a reference to a body of one of the following descriptions—
- (a) a county council;
  - [<sup>F1</sup>(aa) a county borough council;]
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London in its capacity as a local authority, police authority or port health authority;
  - (e) the Council of the Isles of Scilly;
  - [<sup>F2</sup>(f) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]
  - <sup>F3</sup>(g) .....
  - <sup>F4</sup>(ga) .....
  - (h) an authority established under section 10 of the <sup>M1</sup>Local Government Act 1985 (waste disposal authorities);
  - (i) a joint authority established by Part IV of that Act [<sup>F5</sup>(fire and rescue services and transport)]<sup>F6</sup> ...;
  - (j) any body established pursuant to an order under section 67 of that Act (successors to residuary bodies);
  - [<sup>F7</sup>(ja) an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;

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- (jb) a combined authority established under section 103 of that Act];
  - [<sup>F8</sup>(jba) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]
  - [<sup>F9</sup>(jc) a sub-national transport body established under section 102E of the Local Transport Act 2008;]
  - (k) the Broads Authority;
  - (l) any joint board the constituent members of which consist of any of the bodies specified above; [<sup>F10</sup> . . .]
  - <sup>F11</sup>(m) . . . . . [<sup>F12</sup>and
  - (n) a joint planning board constituted for an area in Wales outside a National Park by an order under section 2(1B) of the <sup>M2</sup>Town and Country Planning Act 1990.]
- [<sup>F13</sup>(1A) In section 7 references to a local authority include a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004.
- (1B) In the application of section 1(1) to a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004 by virtue of subsection (1A) the reference to being or remaining a member of a local authority is to be read as a reference to becoming or remaining such an authority.]
- [<sup>F14</sup>(1C) In the following provisions of this Part references to a local authority include the London Fire Commissioner—
- (a) section 7 (all staff to be appointed on merit), and
  - (b) section 10 (limit on paid leave for local authority duties).
- (1D) In the application of section 1(1) to the London Fire Commissioner by virtue of subsection (1C) the reference to being or remaining a member of a local authority is to be read as a reference to becoming or remaining the London Fire Commissioner.]
- (2) Any reference in this Part to a local authority is, in relation to Scotland, a reference to a [<sup>F15</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] or a joint board within the meaning of section 235(1) of the <sup>M3</sup>Local Government (Scotland) Act 1973.
- (3) In this Part—
- [<sup>F16</sup>“chief executive” means the person appointed under section 54 of the Local Government and Elections (Wales) Act 2021 as the chief executive of a council of a county or county borough in Wales;]
  - “contravention” includes a failure to comply;
  - [<sup>F17</sup>“corporate joint committee” means a corporate joint committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021;]
  - [<sup>F18</sup>[<sup>F19</sup>“council manager”], “executive”, “executive arrangements” [<sup>F19</sup>and “mayor and council manager executive”] have the same meaning as in Part II of the Local Government Act 2000;]
  - “modifications” includes additions, alterations and omissions;
  - “proper officer”—
  - (a) in relation to a local authority in England and Wales [<sup>F20</sup>or a corporate joint committee], has the same meaning as in the Local Government Act 1972; and

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(b) in relation to a local authority in Scotland, has the same meaning as in the Local Government (Scotland) Act 1973; and

“subordinate legislation” has the same meaning as in the <sup>M4</sup>Interpretation Act 1978.

- (4) References in this Part to an officer of a local authority or to a paid office under a local authority do not include references to, or to the office of, the chairman or vice-chairman of the authority (whether referred to as such, as mayor, Lord Mayor, deputy mayor, as Lord Provost or otherwise [<sup>F21</sup> or a member of any executive of the authority (other than a council manager)]).

### Textual Amendments

- F1** S. 21(1)(aa) inserted (7.1.1997) by S.I. 1996/3071, art. 2, **Sch. para. 3(3)**
- F2** S. 21(1)(f) substituted (E.W.) (1.10.2004 except in relation to W., 10.11.2004 for W.) by **Fire and Rescue Services Act 2004 (c. 21)**, s. 61, **Sch. 1 para. 71(2)**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2
- F3** S. 21(1)(g) omitted (22.11.2012) by virtue of **Police Reform and Social Responsibility Act 2011 (c. 13)**, s. 157(1), **Sch. 16 para. 204(2)**; S.I. 2012/2892, art. 2(i)
- F4** S. 21(1)(ga) omitted (26.5.2015) by virtue of **Deregulation Act 2015 (c. 20)**, s. 115(7), **Sch. 13 para. 6(24)(a)**; S.I. 2015/994, art. 6(g)
- F5** Words in s. 21(1)(i) substituted (1.4.2005) by **Civil Contingencies Act 2004 (c. 36)**, s. 34(1), **Sch. 2 para. 10(3)(b)**; S.I. 2005/772, art. 2(b)
- F6** Words in s. 21(1)(i) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 2 para. 89(2)**; S.I. 2018/227, reg. 4(c)
- F7** S. 21(1)(ja)(jb) inserted (17.12.2009) by **Local Democracy, Economic Development and Construction Act 2009 (c. 20)**, s. 148(6), **Sch. 6 para. 81(5)**; S.I. 2009/3318, art. 2(c)
- F8** S. 21(1)(jba) inserted (26.12.2023) by **Levelling-up and Regeneration Act 2023 (c. 55)**, s. 255(2)(c), **Sch. 4 para. 102** (with s. 247)
- F9** S. 21(1)(jc) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by **Cities and Local Government Devolution Act 2016 (c. 1)**, s. 25(2), **Sch. 5 para. 12(5)**
- F10** Word in s. 21(1)(l) omitted (23.11.1995) by virtue of 1995 c. 25, s. 78, **Sch. 10 para. 31(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**
- F11** S. 21(1)(m) repealed (1.4.1997) by 1995 c. 25, s. 120(1), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/2560, art. 2, **Sch.**
- F12** S. 21(1)(n) and the preceding “and” added (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 31(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**); S.I. 1995/2950, **art. 2(1)**
- F13** S. 21(1A)(1B) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 1 para. 64**; S.I. 2017/399, reg. 2, **Sch. para. 38**
- F14** S. 21(1C)(1D) inserted (31.1.2017 for specified purposes, 22.3.2018 for specified purposes) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 2 para. 89(3)**; S.I. 2018/227, reg. 3(1)(d)(iii)
- F15** Words in s. 21(2) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 161(1)(8)**; S.I. 1996/323, **art. 4(1)(c)**
- F16** Words in s. 21(3) inserted (W.) (5.5.2022) by **Local Government and Elections (Wales) Act 2021 (asc 1)**, s. 175(7), **Sch. 5 para. 11**; S.I. 2021/231, **art. 6(s)**
- F17** Words in s. 21(3) inserted (W.) (3.12.2021) by **The Corporate Joint Committees (General) (No. 2) (Wales) Regulations 2021 (S.I. 2021/1349)**, regs. 1(2), **40**
- F18** S. 21(3): definition inserted (E.) (11.7.2001) and (W.) (1.4.2002) by S.I. 2001/2237, arts. 1(2), 25(a); S.I. 2002/808, arts. 1(2), **24(a)**
- F19** Words in s. 21(3) repealed (W.) (10.7.2011) by **Local Government (Wales) Measure 2011 (nawm 4)**, ss. 34(8)(d), 178(2), **Sch. 4 Pt. B**

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- F20** Words in s. 21(3) inserted (W.) (3.12.2021) by [The Corporate Joint Committees \(General\) \(No. 2\) \(Wales\) Regulations 2021 \(S.I. 2021/1349\)](#), regs. 1(2), **9(3)**
- F21** Words in s. 21(4) inserted (E.) (11.7.2001) and (W.) (1.4.2002) by [S.I. 2001/2237](#), arts. 1(2), 25(b); [S.I. 2002/808](#), arts. 1(2), **24(b)**

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**Modifications etc. (not altering text)**

- C1** S. 21 applied (S.) (temp.) (6.4.1995 to 1.4.1996) by [S.I. 1995/789](#), art. 2, **Sch. entry 11**
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**Marginal Citations**

- M1** 1985 c. 51.  
**M2** 1990 c. 8.  
**M3** 1973 c. 65.  
**M4** 1978 c. 30.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)