EXECUTIVE NOTE

THE LOCAL GOVERNMENT AND HOUSING ACT 1989 AMENDMENT (SCOTLAND) ORDER 2009

SSI/2009/205

The above instrument was made in exercise of the powers conferred by Sections 15 and 16(3) of the Local Governance (Scotland) Act 2004. The instrument is subject to draft affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to make consequential provision to repeal parts of section 3 of the Local Government and Housing Act 1989 relating to politically restricted posts in local government. These provisions refer to parts of section 2 of the 1989 Act which were repealed by Section 9 of the Local Governance (Scotland) Act 2004.

Section 9 of the 2004 Act repealed part of Section 2 of the 1989 Act by removing the salary threshold which had previously disqualified local government employees in receipt of an annual salary of £33,423 or above from being politically active. Politically restricted posts in local government now are either specifically identified in the 1989 Act or relate to posts specifically listed by the local authority as giving advice, on a regular basis, to the authority themselves, to any of the authority's committees or sub committees or to any joint committee on which the authority is represented. Political restrictions can also be applied where a local authority employee speaks, on a regular basis, to journalists or broadcasters.

Consultation

None. This change has no effect in law: it simply removes a superfluous reference in the 1989 Act.

Financial Effects

The instrument will have no financial effect.

Scottish Government
Local Government Division
April 2009