STATUTORY INSTRUMENTS

1990 No. 2476

LOCAL GOVERNMENT, ENGLAND AND WALES

The Parish and Community Councils (Committees) Regulations 1990

Made - - - -	*6th December 1990*
Laid before Parliament	*10th December 1990*
Coming into force	*1st January 1991*

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 13(3)(b) and (4)(g) and (h) and 190(1) of the Local Government and Housing Act 1989**(a)**, and of all other powers enabling them in that behalf, hereby make the following Regulations:

1. These Regulations may be cited as the Parish and Community Councils (Committees) Regulations 1990 and shall come into force on 1st January 1991.

2. In these Regulations—

"the 1972 Act" means the Local Government Act 1972**(b)**;

"the 1989 Act" means the Local Government and Housing Act 1989;

"financial year" means a period of twelve months ending on 31st March.

3.—(1) The following functions when performed by a committee of a parish or community council are prescribed for the purposes of section 13(4)(g) of the 1989 Act—

(a) the management of land owned or occupied by the council;

(b) where the council are a harbour authority as defined in section 57(1) of the Harbours Act 1964**(c)**, their functions as such;

(c) any function under section 144 of the 1972 Act**(d)** relating to the promotion of tourism;

(d) any function under section 145 of the 1972 Act relating to the management of a festival.

(2) For the purposes of paragraph (1)(a) and (d), "management" does not include the determination of the total amount of money which may be expended in any financial year by the council in respect of the land or festival.

4. A sub-committee of a parish or community council appointed exclusively to discharge any of the functions mentioned in regulation 3(1) is prescribed for the purposes of section 13(4)(h) of the 1989 Act; and the case of a member of such a sub-committee is prescribed for the purposes of section 13(3)(b) of that Act.

Michael Heseltine
6th December 1990 — Secretary of State for the Environment

David Hunt
6th December 1990 — Secretary of State for Wales

(a) 1989 c.42. **(b)** 1972 c.70. **(c)** 1964 c.40.
(d) Section 144 was amended by Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c.57), by section 190 of, and Schedule 34 to, the Local Government, Planning and Land Act 1980 (c.65), and by Schedule 17 to the Local Government Act 1985 (c.51).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 13(1) of the Local Government and Housing Act 1989 prevents members of local authority committees and sub-committees having voting rights if they are not members of the parent authority. These Regulations provide for exceptions to that rule in relation to parish and community councils. The rule is not to apply to a committee established exclusively to discharge one of the functions described (regulation 3). Neither does it apply to members of a sub-committee established exclusively to discharge such a function, and in addition a member of such a sub-committee may have a vote without being a member of the committee which appointed the sub-committee (regulation 4).