
STATUTORY INSTRUMENTS

1998 No. 3116 (S. 188)

LOCAL GOVERNMENT, SCOTLAND

The Local Government Officers (Political Restrictions) Amendment Regulations 1998

<i>Made</i>	- - - -	<i>9th December 1998</i>
<i>Laid before Parliament</i>		<i>11th December 1998</i>
<i>Coming into force</i>	- -	<i>1st January 1999</i>

The Secretary of State, in exercise of the powers conferred on him by sections 1(5) and (6) and 190(1) of the Local Government and Housing Act 1989⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Local Government Officers (Political Restrictions) Amendment Regulations 1998 and shall come into force on 1st January 1999.

(2) In these Regulations, “the principal Regulations” means the Local Government Officers (Political Restrictions) Regulations 1990⁽²⁾.

(3) The amendments to the principal Regulations made by regulation 2 below shall apply only in respect of persons holding a politically restricted post under a local authority in Scotland.

Amendment of Regulations

2. In the Schedule to the principal Regulations—

(a) after paragraph 1(a), there shall be inserted the following sub-paragraph:—

“(aa) the Scottish Parliament;”;

(b) after paragraph 1, there shall be inserted the following paragraph:—

“1A. Where prior to 1st January 1999 an announcement has been made that the appointee is, or intends to be, a candidate for election as a member of the Scottish Parliament at the first ordinary general election for membership of that Parliament, the appointee shall not act, or continue to act, as such a candidate.”; and

(c) after paragraph 2, there shall be inserted the following paragraph:—

(1) 1989 c. 42.
(2) S.I.1990/851.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“**2A.** Notwithstanding any contrary provision in his terms of appointment or his contract of employment, upon the appointee giving notice in writing to the local authority under which he holds his appointment that he wishes to resign his appointment because he intends to become, or to continue to act as, a candidate for election as a member of the Scottish Parliament at the first ordinary general election for membership of that Parliament, his appointment shall terminate forthwith.”.

St Andrew’s House,
Edinburgh
9th December 1998

Henry B McLeish
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Local Government Officers (Political Restrictions) Regulations 1990 impose restrictions on the public political activities of local government officers who are appointed to or employed in posts which are politically restricted posts for the purposes of Part I of the Local Government and Housing Act 1989. The restrictions take the form of terms and conditions that are deemed to be incorporated into those officers' terms of appointment and conditions of employment.

These Regulations amend the 1990 Regulations so as to introduce, as regards the holders of politically restricted posts in Scotland, restrictions in connection with standing as a candidate for election to the Scottish Parliament.