

NOTES FOR APPLICANTS

LOCAL GOVERNMENT OFFICERS (POLITICAL RESTRICTIONS) AMENDMENT REGULATION 1998

POLITICAL RESTRICTIONS ON LOCAL GOVERNMENT OFFICERS

In terms of the Local Government Officers (Political Restrictions) Amendment Regulation 1998, a person who holds a 'politically restricted post' is disqualified from being or becoming a member of a local authority, member of the House of Commons, the Scottish Parliament or member of the European Parliament.

Certain other restrictions on the political activities of these officers have been introduced by regulations by the Secretary of State of Scotland. Details of these further restrictions are specified in the attached Appendix headed 'Political Restrictions on Local Government Officers' and are deemed to be incorporated into the contract of employment of each officer holding a post which has been designated as 'politically restricted'.

Posts designated in the restricted category are:-

1. The Head of the Council's paid service.
2. Statutory Chief Officers.
3. Non-statutory Chief Officers.
4. Depute Chief Officers.
5. The Monitoring Officer appointed in terms of Section 5 of the Act.
6. Assistants for political groups appointed in terms of Section 9 of the Act.
7. Persons to whom the Council has delegated certain powers to be exercised on behalf of the Council.
8. Posts where the annual rate of remuneration is equal to, or greater than, APT&C spinal Column Point 44 or such higher amount as may be specified in or determined under regulations made by the Secretary of State. This also includes part time/job sharing posts where the full time equivalent salary is equal to, or greater than, SCP44.
9. Posts where the annual rate of remuneration is less than SCP44 and it appears to the Council that the duties involve:-
 - a) giving advice on a regular basis to the Council themselves, to any committee or sub-committee of the Council or to any joint committee on which the Council is represented; and/or

- b) speaking on behalf of the Council on a regular basis to journalist or broadcasters.

The post for which you have applied falls into one of the above categories and as such is deemed to be “politically restricted”.

Further details on the implications of the Act are available from the Head of Personnel Services, Corporate Services Department.

LOCAL GOVERNMENT OFFICERS (POLITICAL RESTRICTIONS) AMENDMENT
REGULATION 1998

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1. The appointee shall not announce or cause, authorise or permit anyone else to announce that he/she is, or intends to be, a candidate for election as a member of:-
 - a) The House of Commons/the Scottish Parliament
 - b) The European Parliament, or
 - c) A Council, an Islands Council or a joint board.

- 2.(1) Notwithstanding any contrary provision in his/her terms of appointment or his/her contract of employment, upon the appointee giving notice in writing to the local authority under which he/she holds his/her appointment that he/she wishes to resign his/her appointment because he/she intends to announce or cause, authorise or permit anyone else to announce that he/she is, or intends to be, a candidate for election to the House of Commons, Scottish Parliament, European Parliament or Local Council at a pending election, his/her appointment shall terminate forthwith.

- (2) For the purpose of this paragraph an election shall be taken to be pending:
 - (a) in the case of general election, if the date proposed for the dissolution of Parliament preceding that election has been officially announced;
 - (b) in the case of a by-election, if the vacancy giving rise to that election has occurred.

3. The appointee shall not act as an election agent or sub-agent within the meaning of section 67 or section 68 of the Representation of the People Act 1983 for a candidate for election as a member of a body mentioned in paragraph 1.

4. The appointee shall not be an officer of a political party or of any branch of such a party or a member of any committee or sub-committee of such a party or branch if his/her duties as such an officer or member would be likely to require him/her:
 - (a) to participate in the general management of the party or the branch: or
 - (b) to act on behalf of the party or branch in dealings with persons other than members of the party or members of another political party associated with the party.

5. The appointee shall not canvas on behalf of a political party or on behalf of a person who is, or proposes to be, a candidate for election to any of the bodies mentioned in paragraph 1.

6. The appointee shall not speak to the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- 7.(1) The appointee shall not:-
 - (a) publish any written or artistic work of which he/she is the author (or one of the authors) or any written work or collection of artistic works in relation to which he/she has acted in an editorial capacity; or
 - (b) cause, authorise or permit any other person to publish such a work or collectionif the work appears to be intended to affect public support for a political party.
- (2) Sub-paragraph (1) only applies to publication to the public at large or to a section of the public and nothing in that sub-paragraph shall preclude the display of a poster or other document on property occupied by the appointee as his/her dwelling or on a vehicle or article used by him/her.
8. Nothing in paragraph 6 or 7 shall be construed as precluding the appointee from engaging in the activities there mentioned to such extent as is necessary for the proper performance of his/her official duties.