

Status: Point in time view as at 01/02/1991.

Changes to legislation: Local Government Act 1972, Cross Heading: Suspension of elections is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

ESTABLISHMENT OF NEW AUTHORITIES IN ENGLAND

Suspension of elections

- 12 (1) No election of councillors of an existing county, borough (other than a London borough or a borough included in a rural district) or urban or rural district other than a rural district which is co-extensive with a parish shall be held after the end of the year 1972, except an election to fill a casual vacancy in an office where before the end of that year the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the 1933 Act; and any such councillor holding office immediately before the end of that year or elected after the end of that year to fill a casual vacancy occurring before the end of that year shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1974.
- (2) Subject to sub-paragraph (3) below any ordinary election of parish councillors due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the district in which the parish is situated; and any such councillor who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of parish councillors takes place in pursuance of this sub-paragraph.
- (3) No election of parish councillors shall be held after the end of the year 1972 for any existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act.
- (4) Subject to sub-paragraph (6) below, any parish councillor elected at the ordinary election of parish councillors in 1973 shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.
- (5) Any parish councillor—
- (a) for an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act; or
 - (b) for a parish to which part of any parish is added by paragraph 2 of the said Part IV;
- who holds office immediately before the end of 1972 or is appointed after the end of that year to fill a casual vacancy occurring before the end of that year shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1974.
- (6) Any parish councillor elected in 1973 for a parish mentioned in sub-paragraph (5) (b) above shall not act in his office before 1st April 1974 except for the purpose of

Status: Point in time view as at 01/02/1991.

Changes to legislation: Local Government Act 1972, Cross Heading: Suspension of elections is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

taking any action with a view to enabling the new parish council to exercise their functions on and after that date.

- (7) No election of parish councillors shall be held in 1974 or 1975, and any parish councillor who (apart from this Act) would ordinarily have retired in 1974 or 1975 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the ordinary day of election of parish councillors in 1976.
- (8) Any ordinary election of councillors of a borough included in a rural district or of a rural district which is co-extensive with a parish due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the new district in which the borough or rural district is situated; and any councillor of any such borough or rural district who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of councillors takes place in pursuance of this sub-paragraph.
- (9) The council of a borough included in a rural district shall, as from the date when the persons elected councillors of the borough in pursuance of sub-paragraph (8) above come into office, also be the council of the corresponding parish, and—
- (a) the persons so elected shall also hold office as councillors of the corresponding parish and, in the case of a borough divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
 - (b) the person who in 1973 is elected as mayor of the borough shall also hold office as chairman of the parish council until his successor becomes entitled to act as chairman; and
 - (c) the person who in 1973 is appointed deputy mayor of the borough shall also hold office as vice-chairman of the parish council until the abolition of the borough.
- (10) Without prejudice to the continued operation, until its repeal by this Act, of section 43(3) of the 1933 Act (council of a rural district which is co-extensive with a parish to have the functions of, and to be deemed to be, the parish council) the council of a rural district which is co-extensive with a parish shall, as from the date when the persons elected councillors of the rural district in pursuance of sub-paragraph (8) above come into office, also be the council of the parish, and—
- (a) the persons so elected shall also hold office as councillors of the parish and, in the case of a rural district divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
 - (b) the person who in 1973 is elected as chairman of the rural district council shall also hold office as chairman of the parish council until his successor becomes entitled to act as chairman; and
 - (c) the person who in 1973 is appointed vice-chairman of the rural district council shall also hold office as vice-chairman of the parish council until the abolition of the rural district council.
- (11) Any person elected councillor as mentioned in sub-paragraph (9) or sub-paragraph (10) above shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.
- (12) As respects an existing county or borough (other than a London borough)—

Status: Point in time view as at 01/02/1991.

Changes to legislation: Local Government Act 1972, Cross Heading: Suspension of elections is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) no ordinary election of aldermen shall be held after the passing of this Act;
 - (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1974 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that day; and
 - (c) any casual vacancy in the office of alderman occurring before 1st April 1974 shall not be filled unless the county or borough council resolve that it should be filled.
- (13) It shall not be necessary to fill any casual vacancy occurring during March 1974 in the office of—
- (a) chairman or vice-chairman of the council of an existing county or urban or rural district other than chairman of a rural district which is co-extensive with a parish; or
 - (b) mayor of an existing borough (other than a London borough or a borough included in a rural district).
- (14) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 13 and 14 below.
- 13 (1) The provisions of this paragraph shall apply in relation to a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(2) above and also in relation to the borough or urban district the area of which is co-extensive with that of the parish; and, in relation to such a parish,—
- (a) references in this paragraph to the order are references to the order under the said Part V constituting the parish, and
 - (b) references in this paragraph to the borough or urban district are references to the borough or urban district the area of which is co-extensive with that of the parish.
- (2) As from the date specified in the order, the parish councillors shall be the aldermen and councillors for the time being of the borough or as the case may be, the councillors for the time being of the urban district, and, if the parish is divided into wards in accordance with paragraph 10(2) above—
- (a) the councillors of the borough or urban district, in their capacity as parish councillors, shall be treated as having been elected for the wards of the parish corresponding to the wards of the borough or urban district for which they were elected; and
 - (b) in the case of a borough, each of the aldermen shall be treated, in his capacity as a parish councillor, as having been elected for such ward of the parish as shall be determined at a meeting of the parish council held within fourteen days after the date specified in the order.
- (3) Each person who becomes a parish councillor by virtue of sub-paragraph (2) above shall (unless he resigns his office or it otherwise becomes vacant) continue to hold that office until the fourth day after the ordinary day of election of parish councillors in 1976.
- (4) Until 1st April 1974 the persons for the time being holding office as mayor and deputy mayor of the borough or, as the case may be, as chairman and vice-chairman of the council of the urban district shall, by virtue of those offices, hold office as chairman and vice-chairman of the parish council, respectively; and the persons who,

Status: Point in time view as at 01/02/1991.

Changes to legislation: Local Government Act 1972, Cross Heading: Suspension of elections is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

by virtue of this sub-paragraph, hold office as chairman and vice-chairman of the parish council immediately before 1st April 1974 shall, subject to section 15 above, continue to hold those offices on and after that date as if they had been elected to them at the annual meeting of the parish council held in 1973.

- (5) Where this paragraph applies to a parish, then, as from the date specified in the order, paragraph 12(1) above shall not apply in relation to elections to fill casual vacancies in the office of councillor of the borough or urban district, as the case may be, and any casual vacancy which has not been filled on that date shall be deemed for the purposes of the 1933 Act to have arisen on that date; and without prejudice to sub-paragraph (3) above a councillor elected after that date to fill a casual vacancy shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office as a councillor of the borough or urban district until 1st April 1974.
- (6) Where this paragraph applies to a parish, sub-paragraph (12)(c) and (13) of paragraph 12 above shall not apply in relation to the borough or urban district, as the case may be; and in the case of a borough any person appointed to fill a casual vacancy in the office of alderman of the borough shall be treated, in his capacity as a parish councillor, as having been elected for the same ward of the parish as that for which his predecessor as alderman was treated as having been elected by virtue of sub-paragraph (2)(b) above or this sub-paragraph.
- 14 In the case of a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(3) above, the Secretary of State shall by order make such provision in relation to the councillors of the parish, the chairman and vice-chairman of the parish council and the aldermen and councillors of the borough, or as the case may be the councillors of the urban district, concerned as appears to him to be appropriate to secure for the parish and that borough or urban district a result corresponding, so far as practicable, with that produced in the case of a parish falling within paragraph 10(2) above, by sub-paragraphs (2) to (6) of paragraph 13 above.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Local Government Act 1972, Cross Heading: Suspension of elections is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.