



# Local Government Act 1972

## 1972 CHAPTER 70

### PART V **E+W**

#### GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

##### *Acceptance, resignation and vacation of office, and casual vacancies*

### 83 Declaration of acceptance of office. **E+W**

- (1) The person elected to any of the following offices, that is to say, the office of chairman, vice-chairman, [<sup>F1</sup>presiding member, deputy presiding member,]<sup>F2</sup> . . . councillor [<sup>F3</sup> or elected mayor] of the council of a county [<sup>F4</sup>, county borough], district or London borough <sup>F5</sup> . . . shall not, unless he has made a declaration of acceptance of office in a form prescribed by [<sup>F6</sup>an order made by the Secretary of State], and the declaration has within two months from the day of the election been delivered to the proper officer of the council, act in the office except for the purpose of taking such a declaration.
- (2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.
- (3) The declaration shall be made before either—
  - (a) two members of the council to which the declarant is elected; or
  - [<sup>F7</sup>(aa) an elected mayor of the council to which the declarant is elected; or
  - (b) the proper officer of the council; or
  - (c) a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man; or
  - (d) a commissioner appointed to administer oaths in the [<sup>F8</sup>Senior Courts].
- <sup>F9</sup>(3A) . . . . .
- (4) A person elected to the office of chairman of a parish or community council or parish or community councillor shall—
  - (a) in the case of the chairman, at the meeting at which he is elected;

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*Changes to legislation: Local Government Act 1972, Section 83 is up to date with all changes known to be in force on or before 28 July 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) View outstanding changes*

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- (b) in the case of a councillor, before or at the first meeting of the parish or community council after his election; or
- (c) in either case if the council at that meeting so permit, before or at a later meeting fixed by the council;

make in the presence of a member of the council or of the proper officer of the council and deliver to the council a declaration of acceptance of office in a form prescribed by <sup>[F6]</sup>an order made by the Secretary of State], and if he fails to do so his office shall thereupon become vacant.

- (5) Any person before whom a declaration is authorised to be made under this section may take the declaration.

#### Textual Amendments

- F1** Words in s. 83(1) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\), ss. 51\(5\), 75\(2\)\(d\)](#)
- F2** Words repealed by [S.I. 1977/1710, art. 3\(c\)](#)
- F3** Words in s. 83(1) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by [2000 c. 22, ss. 46, 108\(4\), Sch. 3 para. 9\(1\)\(2\); S.I. 2000/2849, art. 2\(e\)](#)
- F4** Words in s. 83(1) inserted (3.4.1995) by [1994 c. 19, s. 66\(5\), Sch. 15 para. 23 \(with ss. 54\(5\)\(7\), 55\(5\), Sch. 17 paras. 22\(1\), 23\(2\)\); S.I. 1995/852, art. 9\(1\), Sch. 5](#)
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 102, Sch. 17](#)
- F6** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\), s. 30\(2\)](#)
- F7** S. 83(3)(aa) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by [2000 c. 22, ss. 46, 108\(4\), Sch. 3 para. 9\(1\)\(3\); S.I. 2000/2849, art. 2\(e\)](#)
- F8** Words in s. 83(3)(d) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59, 148, Sch. 11 para. 4\(1\)\(2\)\(3\); S.I. 2009/1604, art. 2](#)
- F9** S. 83(3A) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 84, Sch. 14 Pt. I para. 5](#)) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237\(2\), Sch. 13 Pt. I](#)

#### Modifications etc. (not altering text)

- C1** Pt. 5 applied (23.5.2019) by [The Buckinghamshire \(Structural Changes\) Order 2019 \(S.I. 2019/957\), arts. 1, 15\(1\)](#)
- C2** Pt. 5 applied (14.2.2020) by [The Northamptonshire \(Structural Changes\) Order 2020 \(S.I. 2020/156\), arts. 1, 17\(1\)](#)
- C3** Pt. 5 applied (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\), arts. 1\(1\), 18\(1\)](#)
- C4** S. 83 modified (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\), art. 9\(10\)](#)
- C5** S. 83 amended by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\), s. 31\(7\)](#)
- C6** S. 83 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 84\(2\)\(b\), 86\(9\)](#)  
S. 83 excluded (27.11.2001temp. until 27.7.2002) by [S.I. 2001/3576, art. 3\(1\)\(b\)](#)
- C7** S. 83(1)-(3) modified (14.2.2020) by [The Northamptonshire \(Structural Changes\) Order 2020 \(S.I. 2020/156\), arts. 1, 20\(15\)\(16\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)