

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Local Government Act 1985, Part I. (See end of Document for details)

SCHEDULES

SCHEDULE 14

NEW AUTHORITIES: APPLICATION OF LOCAL AUTHORITY PROVISIONS

PART I

^{M1}AMENDMENTS OF LOCAL GOVERNMENT ACT 1972

Marginal Citations

M1 1972 c. 70.

Restrictions on promotion of Bills for changing local government areas etc.

- 1 In section 70 for the words “No local authority” there shall be substituted the words “Neither a local authority or joint authority nor the Inner London Education Authority” and after the words “local government area” in both places where they occur there shall be inserted the words “or the Inner London Education Area”.

Qualifications for election and holding office

- 2 At the end of section 79 there shall be inserted—
- “(3) In this section “local authority” includes the Inner London Education Authority and references to its area shall be construed as references to the Inner London Education Area.”

Disqualifications for election and holding office

- 3 (1) In subsections (1)(a) and (2)(b) of section 80 after the words “joint board” there shall be inserted the words “, joint authority”.
- (2) After subsection (5) of that section there shall be inserted—
- “(6) In this section “local authority” includes the Inner London Education Authority.”

Validity of acts done by unqualified persons

- 4 In section 82 after the words “elected to an office under this Act” there shall be inserted the words “or elected or appointed to an office under Part III or IV of the Local Government Act 1985.”

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Declaration of acceptance of office

5 After section 83(3) there shall be inserted—

“(3A) Subsections (1) to (3) above shall apply also to a person elected to the office of member, or appointed to the office of chairman or vice-chairman, of the Inner London Education Authority and in relation to any such office the references in those provisions to the proper office of the council and to members of the council shall be construed respectively as references to the proper officer of that Authority and to members of that Authority.”

Resignation

6 The provisions of section 84 shall become subsection (1) of that section and after those provisions there shall be inserted—

“(2) A person elected or appointed to an office under Part III or IV of the Local Government Act 1985 may at any time resign his office by written notice delivered to the proper officer of the authority of which he is a member and his resignation shall take effect upon the receipt of the notice by that officer.”

Failure to attend meetings

7 At the end of section 85 there shall be inserted—

“(4) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

Declaration of vacancy

8 The provisions of section 86 shall become subsection (1) of that section and after those provisions there shall be inserted—

“(2) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

Date of casual vacancies

9 At the end of section 87 there shall be inserted—

“(3) This section shall apply also in relation to a casual vacancy in any office for which an election is held, or to which an appointment is made, under Part III of the Local Government Act 1985, taking references to a local authority as reference to the Inner London Education Authority.”

Filling of casual vacancies

10 (1) After section 88(2) there shall be inserted—

“(2A) In subsections (1) and (2) above “council” includes the Inner London Education Authority.”

(2) After section 89(3) there shall be inserted—

“(3A) Subsections (1) to (3) above shall apply also in relation to a casual vacancy occurring in the office of member of the Inner London Education Authority,

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taking references to the council and the returning officer as references to the Authority and the proper officer of the Authority.”

Term of office of person filling casual vacancy

- 11 In section 90 after the word “Wales” there shall be inserted the words “or under Part III or IV of the Local Government Act 1985”, and after the words “he is elected” there shall be inserted the words “or appointed”.

Proceedings for disqualification

- 12 At the end of section 92 there shall be inserted—
- “(7) In this section “local authority” includes a joint authority and the Inner London Education Authority; and in relation to a joint authority the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for any local government area in the area for which the authority is established.”

Pecuniary interests

- 13 After section 98(1) there shall be inserted—
- “(1A) In sections 94 and 97 above “local authority” includes a joint authority and the Inner London Education Authority and in section 94(5)(a) above “principal council” includes any such authority.”

Meetings and proceedings

- 14 In section 99 after the words “local authorities” there shall be inserted the words “, joint authorities, the Inner London Education Authority”.

Discharge of functions

- 15 In section 101(13) after the words “the Middle Temple,” there shall be inserted the words “any joint authority except a police authority, the Inner London Education Authority,”.

Miscellaneous powers of local authorities

- 16 After section 146 there shall be inserted—

“146A Joint Authorities and Inner London Education Authority.

- (1) A joint authority and the Inner London Education Authority shall be treated—
- (a) as local authorities for the purposes of sections 111 to 119, 128 to 131, 135, 136, 139 (except subsections (1)(b) and (2)), 140, 140A, 140C, 143 and 146 above; and
 - (b) as a principal council for the purposes of section 120 (except subsection (1)(b)) and sections 121 to 123 above.

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(2) The Inner London Education Authority may exercise any of the powers of a local authority under section 145 above so far as it considers it expedient to do so for the benefit of persons under the age of twenty-six.”

17 F1

Textual Amendments

F1 Sch. 14 para. 17 repealed by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(2), Sch. 12 Pt. I

Allowances to members

18 After section 176(2) there shall be inserted—

“(3) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

[^{F2}19 In section 177(1) after paragraph (a) there shall be inserted—

“(ab) the Inner London Education Authority;
 (ac) a joint authority;”

and in paragraph (e) the words “joint authority” shall be omitted.]

Textual Amendments

F2 Sch. 14 paras. 19, 20 repealed (prosp.) by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(4), 195(2), Sch. 12 Pt. II

[^{F3}20 After section 177A(4) there shall be inserted—

“(5) In this section references to a principal council and a councillor include references to a joint authority and the Inner London Education Authority and to any member of any such authority.”]

Textual Amendments

F3 Sch. 14 paras. 19, 20 repealed (prosp.) by Local Government and Housing Act 1989 (c.42, SIF 81:1), s. 194(4), 195(2), Sch. 12 Pt. II

Legal proceedings

21 In section 223(2) after the words “the Common Council” there shall be inserted the words “, a joint authority and the Inner London Education Authority.”

Documents and notices

22 The provisions of section 224 shall become subsection (1) of that section and after those provisions there shall be inserted—

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- “(2) This section applies to a joint authority and the Inner London Education Authority as it applies to a principal council.”
- 23 After section 225(2) there shall be inserted—
- “ (3) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 24 After section 228(7) there shall be inserted—
- “(7A) This section shall apply to the minutes of proceedings and the accounts of a joint authority or the Inner London Education Authority as if that authority were a local authority and as if, in relation to a joint authority, references to a local government elector for the area of the authority were a reference to a local government elector for any local government area in the area for which the authority is established.”
- 25 At the end of section 229(8) there shall be inserted the words “and “local authority” includes a joint authority and the Inner London Education Authority.”
- 26 The provisions of section 230 shall become subsection (1) of that section and after those provisions there shall be inserted—
- “(2) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 27 After section 231(3) there shall be inserted—
- “(4) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 28 After section 232(1) there shall be inserted—
- “(1A) In subsection (1) above “local authority” includes a joint authority and the Inner London Education Authority.”
- 29 After section 233(10) there shall be inserted—
- “(11) In this section “local authority” includes a joint authority and the Inner London Education Authority.”
- 30 After section 234(3) there shall be inserted—
- “(4) In this section “local authority” includes a joint authority and the Inner London Education Authority.”

Byelaws

- 31 (1) In section 236(1) for the words “or any other enactment, whenever passed and conferring on a local authority” there shall be substituted the words “and to byelaws made by a local authority, a metropolitan, county passenger transport authority or the Inner London Education Authority under any other enactment and conferring on the authority.”
- (2) In section 238 after the words “a local authority” there shall be inserted the words “, a metropolitan county passenger transport authority or the Inner London Education Authority”.

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Promoting and opposing local and personal Bills

- 32 (1) After subsection (4) of section 239 there shall be inserted—
- “(4A) The powers conferred on a local authority by subsection (1) above shall also be exercisable by a joint authority, and the Inner London Education Authority.”
- (2) In subsection (5) of that section for the words “a local authority” there shall be substituted the words “an authority”.

Computation of time

- 33 At the end of section 243(2) there shall be inserted the words “and applies also to sections 19, 31 and 32 of the Local Government Act 1985”.

Interpretation

- 34 In section 270(1) after the definition of “grouped” there shall be inserted—
- “‘joint authority’ means an authority established by Part IV of the Local Government Act 1985;”.

Meetings and proceedings

- 35 (1) Schedule 12 shall be amended as follows.
- (2) After Part I there shall be inserted—

“PART IA

JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY

- 6A Paragraph 1 above shall apply to a joint authority as it applies to a principal council in a year in which there are no ordinary elections of councillors and that paragraph shall apply to the Inner London Education Authority as it applies to the council of a London borough.
- 6B The other provisions of Part I of this Schedule shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that the number of members mentioned in paragraph 3(2) shall be three members in the case of a joint authority and ten members in the case of the Inner London Education Authority.”
- (3) After paragraph 45 there shall be inserted—
- “46 In this Part of this Schedule “local authority” includes a joint authority and the Inner London Education Authority and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.”

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