



Local Government Act 1972

1972 CHAPTER 70

PART V **E+W**

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

- C1** Pt. 5 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), **art. 9(8)**
- C2** Pt. 5 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 20(6)**
- C3** Pt. V (ss. 79-100) applied (12.4.1994) by [S.I. 1994/867](#), **reg. 11(6)**
Pt. V (ss. 79-100) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**

Qualifications and disqualifications

79 **Qualifications for election and holding office as member of local authority.** **E+W**

- (1) A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority [^{F1}, or be qualified to be elected and to be an elected mayor,] if he is a British subject or a citizen of the Republic of Ireland [^{F2}or a relevant citizen of the Union] and on the relevant day he has attained the age of twenty-one years and—
- (a) on that day he is and thereafter he continues to be a local government elector for the area of the authority; or
 - (b) he has during the whole of the twelve months preceding that day occupied as owner or tenant any land or other premises in that area; or
 - (c) his principal or only place of work during that twelve months has been in that area; or
 - (d) he has during the whole of those twelve months resided in that area; or

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- (e) in the case of a member of a parish or community council he has during the whole of those twelve months resided either in the parish or community or within three miles of it.
- (2) In this section “relevant day”, in relation to any candidate, means—
 - (a) except in the case of an election not preceded by the nomination of candidates, the day on which he is nominated as a candidate and also, if there is a poll, the day of election; and
 - (b) in the said excepted case, the day of election.

[^{F3}(2A) In this section the expression “citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community^{M1} (as amended by Title II of the Treaty on European Union^{M2}), and “relevant citizen of the Union” means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland.]

^{F4}(3)

Textual Amendments

F1 Words in s. 79(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 4 and (W.) (1.4.2002) by S.I. 2002/808, art. 4

F2 Words in s. 79(1) inserted (1.1.1996) by S.I. 1995/1948, regs. 1(2), 3(1)

F3 S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, regs. 1(2), 3(1)

F4 S. 79(3) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 2) 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)

C4 S. 79 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
S. 79 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1
S. 79 applied (12.4.1994) by S.I. 1994/867, reg. 11(6)

C5 S. 79: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
S. 79: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1

Marginal Citations

M1 Treaty Series No. 47 (1988), Cm. 455.

M2 Cm. 1934.

80 Disqualifications for election and holding office as member of local authority. E
+W

- (1) Subject to the provisions of section 81 below, a person shall be disqualified for being elected or being a member of a local authority [^{F5}, and be disqualified for being elected or being an elected mayor,] if he—
 - (a) holds any paid office or employment (other than the office of chairman, vice-chairman or deputy chairman [^{F6}or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive]) appointments [^{F7}or elections] to which are or may be made or confirmed by the local authority or any committee or sub-committee of the authority or by

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- a ^{F8} . . . joint committee [^{F9} or National Park authority] on which the authority are represented or by any person holding any such office or employment; or
- (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
- ^{F10}(c)
- (d) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- [^{F11}(e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee [^{F12} under [^{F13} the Audit Commission Act 1998]], and in this paragraph “the relevant council” means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government 1992.]

(2) Subject to the provisions of section 81 below, a paid officer of a local authority who is employed under the direction of—

- (a) a committee or sub-committee of the authority any member of which is appointed on the nomination of some other local authority; or
- (b) a joint board [^{F14}, joint authority] or joint committee on which the authority are represented and any member of which is so appointed;

shall be disqualified for being elected or being a member of that other local authority.

[^{F15}(2AA) A paid member of staff of the Greater London Authority who is employed under the direction of a joint committee the membership of which includes—

- (a) one or more persons appointed on the nomination of the Authority acting by the Mayor, and
- (b) one or more members of one or more London borough councils appointed to the committee on the nomination of those councils,

shall be disqualified for being elected or being a member of any of those London borough councils.]

[^{F16}(2A) Subsection (2) above shall have effect as if the reference to a joint board included a reference to a National Park authority.

(2B) For the purposes of this section a local authority shall be treated as represented on a National Park authority if it is entitled to make any appointment of a local authority member of the National Park authority.]

[^{F17}(3) Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by the local authority who does not hold an employment falling within that provision as it has effect in relation to a teacher in such a school who holds such an employment.]

^{F18}(4)

(5) For the purposes of subsection (1) ^{F19} . . . (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the ^{F19} . . . conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof shall be deemed to be the date of the ^{F19} . . . conviction, ^{F19} . . .

^{F20}(6)

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Textual Amendments

- F5** Words in s. 80(1) inserted (E.) (11.7.2001) by S.I. 2001/2237, **art. 5(a)** and (W.) (1.4.2002) by S.I. 2002/808 {art. 5(a)}
- F6** Words in s. 80(1)(a) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 8**; S.I. 2000/2849, **art. 2(e)**
- F7** Words in s. 80(1)(a) inserted (E.) (11.7.2001) by S.I. 2001/2237, **art. 5(b)** and (W.) (1.4.2002) by S.I. 2002/808, **art. 5(b)**
- F8** Words repealed by virtue of Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 1(3)(a), 194(4), **Sch. 12 Pt. II**
- F9** Words in s. 80(1)(a) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F10** S. 80(1)(c) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F11** S. 80(1)(e) substituted (4.3.1996) by S.I. 1996/263, **reg. 7(7)**
- F12** S. 80(1)(e): by 2000 c. 22, s. 107(1)(2), 108(3)(b)(c)(i), Sch. 5 para. 8, Sch. 6; S.I. 2002/1718, **art. 2** it is provided that the words "or under the Audit Commission Act 1998" are repealed (27.7.2002 with application as mentioned in art. 1(2) of the commencing S.I.)
- F13** Words in s. 80(1)(e) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(1)**
- F14** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(1)**
- F15** S. 80(2AA) inserted (8.5.2000) by 1999 c. 29, s. 69 (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2) (b), **Sch. Pt. 2**
- F16** S. 80(2A)(2B) inserted (23.11.1995) by 1995 c. 25, s. 78, **Sch. 10 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1995/2950, **art. 2(1)**
- F17** S. 80(3) substituted (1.9.1999) by S.I. 1999/2267, **regs. 1, 9**
- F18** S. 80(4) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 139(3), 140, **Sch. 8**
- F19** Words repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F20** S. 80(6) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(2)**) 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)

- C6** S. 80 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 80 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
S. 80 applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch. Pt. I**
- C7** S. 80: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 80: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C8** S. 80 excluded (E.) (11.7.2001) by S.I. 2001/2237, **art. 47(7)**
S. 80 excluded (W.) (1.4.2002) by The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (Wales) Order 2002 (S.I. 2002/808), **art. 41(7)**
- C9** S. 80(1)(a) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(b)**
- C10** S. 80(1)(a) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(b)**
- C11** S. 80(1)(b)(d)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 7(6)**
- C12** S. 80(2)(b) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(b)**
- C13** S. 80(2)(b) modified by S.I. 1987/2110, art. 2, **Sch. 1 para. 3(b)**

81 Exceptions to provisions of section 80. **E+W**

[^{F21}(1) Where a person is disqualified under section 80 above by reason of having been adjudged bankrupt, the disqualification shall cease—

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- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
 - (b) if the bankruptcy order is so annulled, on the date of the annulment.]
- (2) Where a person is disqualified under section 80 above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

^{F22}(3)

^{F23}(3A)

- (4) Section 80(2) and (3) above shall not operate so as to disqualify—
- (a) any person by reason of his being a teacher, or otherwise employed, in a school, ^{F24} . . . or other educational institution maintained or assisted by a county council for being a member of a district council by reason that the district council nominates members of the education committee of the county council; or

^{F25}(b)

Textual Amendments

- F21** S. 81(1) substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, Sch. 8 para. 22, **Sch. 9 para. 11(2)**
- F22** S. 81(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F23** S. 81(3A) repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), Sch. 7
- F24** Word repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F25** S. 81(4)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

Modifications etc. (not altering text)

- C14** S. 81 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.
S. 81: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.
S. 81 applied (with modifications)(8.1.1996) by [1995 c. x](#), ss. 1(3), 44, **Sch. Pt. I**
- C15** S. 81 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.
S. 81: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**
- C16** S. 81(1)(2) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 7(6)**

82 Validity of acts done by unqualified persons. **E+W**

[^{F26}(1)] The acts and proceedings of any person elected to an office under this Act [^{F27}or elected or appointed to an office under Part ^{F28} . . . IV of the Local Government Act 1985][^{F29}or elected as elected mayor or executive leader] and acting in that office shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

[^{F30}(2) Subsection (1) above shall have effect, in relation to the Broads Authority, as if the reference to this Act included a reference to the Norfolk and Suffolk Broads Act 1988.]

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Textual Amendments

- F26** S. 82 renumbered as s. 82(1) by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(2\)](#)
- F27** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 4](#)
- F28** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)
- F29** Words in s. 82(1) inserted (E.) (11.7.2001) by [S.I. 2001/2237](#), art. 6 and (W.) (1.4.2002) by [S.I. 2002/808](#), [art. 6](#)
- F30** S. 82(2) added by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), [Sch. 6 para. 10\(2\)](#)

Modifications etc. (not altering text)

- C17** S. 82 amended by [S.I. 1985/1884](#), arts. 10, 11(3), [Sch. 3 para. 2](#)
- C18** S. 82 modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 4](#)
- C19** S. 82 applied (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#)
 S. 82 applied (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#)
 S. 82 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, [Sch. Pt. I](#)
- C20** S. 82: certain functions transferred (subject to modifications) (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#)
 S. 82: certain functions transferred (subject to modifications) (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#)
- C21** S. 82(1) applied (with modifications) (5.12.1995) by: [S.I. 1995/3127](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3132](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3133](#), art. 2, [Sch. para. 20\(1\)](#)
 S. 82(1) applied (with modifications) (11.12.1995) by: [S.I. 1995/3218](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3229](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3230](#), art. 2, [Sch. para. 20\(1\)](#)
 S. 82(1) applied (with modifications) (20.11.1996) by: [S.I. 1996/2912](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2916](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2917](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2918](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2919](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2920](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2921](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2922](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2923](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2924](#), art. 2, [Sch. para. 20\(1\)](#)
- C22** S. 82(1) applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), arts. 1(2), 2, [Sch. para. 15](#)

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, ^{F31} . . . councillor [^{F32}or elected mayor] of the council of a county [^{F33}, county borough], district or London borough ^{F34} . . . shall not, unless he has made a declaration of acceptance of office in a form prescribed by [^{F35}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—

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- (a) two members of the council to which the declarant is elected; or
- ^{F36}(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 Supreme Court.

^{F37}(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;
- (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 ^{F35}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

- F31** Words repealed by S.I. 1977/1710, **art. 3(c)**
- F32** 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)**
- F33** 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**
- F34** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F35** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1, 2), **s. 30(2)**
- F36** 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)**
- F37** 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)

- C23** S. 83 modified (5.3.2008) by The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634), **art. 9(10)**
- C24** S. 83 amended by Local Government and Housing Act 1989 (c. 42, SIF 81:1), **s. 31(7)**
- C25** S. 83 excluded by Local Government Act 1985 (c. 51, SIF 81:1), **ss. 84(2)(b)**, 86(9)
S. 83 excluded (27.11.2001)temp. until 27.7.2002) by S.I. 2001/3576, **art. 3(1)(b)**

84 Resignation. **E+W**

^{F38}(1)] A person elected to any office under this Act ^{F39}or elected as an elected mayor] may at any time resign his office by written notice delivered—

- (a) except in a case falling within paragraph (b), (c) or (d) below, to the proper officer of the council;

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- (b) in the case of a person elected to a corporate office in a London borough, to the proper officer of the borough;
- (c) in the case of a parish or community councillor, to the chairman of the parish or community council;
- (d) in the case of a chairman of a parish or community council or of a parish meeting, to the council or the meeting, as the case may be;

and his resignation shall take effect upon the receipt of the notice by the person or body to whom it is required to be delivered.

[^{F40}(2) A person elected or appointed to an office under Part ^{F41} . . . 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.]

Textual Amendments

- F38** S. 84 renumbered as s. 84(1) by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 6**
- F39** Words in s. 84(1) inserted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 10(1)(2)**; S.I. 2000/2849, **art. 2(e)**
- F40** S. 84(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 6**
- F41** Words 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)

- C26** S. 84 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
 S. 84: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
 S. 84 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- C27** S. 84 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.
 S. 84: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C28** S. 84(2) amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**
- C29** S. 84(2) modified by S.I. 1987/2110, **art. 2(2) Sch. 1 para. 4**

85 Vacation of office by failure to attend meetings. **E+W**

- (1) Subject to subsections (2) and (3) below, if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- (2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.

[^{F42}(2A) Subject to subsections (2B) and (3), if a member of a local authority which are operating executive arrangements, who is also a member of the executive of that local

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authority, fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the executive, he shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.

(2B) For the purposes of this section—

- (a) the discharge by a member, acting alone, of any function which is the responsibility of the executive; and
- (b) in respect of a mayor and cabinet executive or leader and cabinet executive, attendance as a member at a meeting of a committee of the executive,

shall each be deemed to be attendance at a meeting of the executive.]

- (3) A member of any branch of Her Majesty’s naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of a failure to attend meetings of the local authority [^{F43}or of a failure to attend meetings of the executive] if the failure is due to that employment.

[^{F44}(3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, 73, 78 or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1) [^{F45}or (2A)] above (and, accordingly, a period during which a member fails to attend meetings of the authority [^{F46}or, as the case may be, meetings of the executive] that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive).]

[^{F47}(4) In this section “local authority” includes a joint authority ^{F48}. . .]

Textual Amendments

- F42** S. 85(2A)(2B) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(a) and (W.) (1.4.2002) by S.I. 2002/808, art. 7(a)
- F43** Words in s. 85(3) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(b) and (W.) (1.4.2002) by S.I. 2002/808, art. 7(b)
- F44** S. 85(3A) inserted (E.) (19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in W. and otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), Sch. 5 para. 9; S.I. 2000/3335, art. 2
- F45** Words in s. 85(3A) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(c)(i) and (W.) (1.4.2002) by S.I. 2002/808, art. 7(c)(i)
- F46** Words in s. 85(3A) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(c)(ii) and (W.) (1.4.2002) by S.I. 2002/808, art. 7(c)(ii)
- F47** S. 85(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. I para. 7
- F48** Words 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)

- C30** S. 85 applied by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 9(10), 23(2), 27(2), Sch. 4 para. 3
- S. 85 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, Sch. 1
- S. 85 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, Sch. 1

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- S. 85 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 13**
- S. 85 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 13**
- C31** S. 85: certain functions transferred (subject to modifications) (7.8.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**
- S. 85: certain functions transferred (subject to modifications) (10.1.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**
- C32** S. 85 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 8** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
- C33** S. 85(4) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(c)**

86 Declaration by local authority of vacancy in office in certain cases. E+W

- [^{F49}(1)] Where a member of a local authority—
- (a) ceases to be qualified to be a member of the authority; or
 - (b) becomes disqualified for being a member of the authority otherwise than [^{F50}under the Audit Commission Act 1998 [^{F51}or section 79 of the Local Government Act 2000]or by virtue of], a conviction or a breach of any provision of Part II of the [^{F52M3}Representation of the People Act 1983]; or
 - (c) ceases to be a member of the authority by reason of failure to attend meetings of the authority;

the authority shall, except in any case in which a declaration has been made by the High Court under this Part of this Act, forthwith declare his office to be vacant.

- [^{F53}(2) In this section “local authority” includes a joint authority ^{F54} . . .]

Textual Amendments

- F49** The provisions of s. 86 become s. 86(1) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**
- F50** Words in s. 86(1)(b) substituted (11.9.1998) by [1998 c. 18](#), ss. 54(1), 55(2), **Sch. 3 para. 3(2)**
- F51** Words in s. 86(1)(b) inserted (E.)(19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in Wales otherwise 28.7.2001) by [2000 c. 22](#), ss. 107(1), 108(4), **Sch. 5 para. 10**; [S.I. 2000/3335](#), **art. 2**
- F52** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 8 para. 12**
- F53** S. 86(2) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**
- F54** Words 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)

- C34** S. 86: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1**
- C35** S. 86(1)(b) amended by: [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), **s. 10(2)**; [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 1, 92(7)**; and [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **ss. 191(5), 231(7), 235(6)**
- C36** S. 86(2) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(d)**
- C37** S. 86(2) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(d)**

Marginal Citations

- M3** [1983 c. 2.\(42\)](#).

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87 Date of casual vacancies. E+W

(1) For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the date on which the vacancy is to be deemed to have occurred shall be—

- (a) in the case of non-acceptance of office by any person who is required to make and deliver a declaration of acceptance of office, on the expiration of the period appointed under this Part of this Act for the delivery of the declaration;
- (b) in the case of resignation, upon the receipt of the notice of resignation by the person or body to whom the notice is required to be delivered;
- (c) in the case of death, on the date of death;
- (d) in the case of a disqualification [^{F55}under the Audit Commission Act 1998 or by virtue of a] conviction, on the expiration of the ordinary period allowed for making an appeal or application with respect to the [^{F56}relevant order or decision under that Act or (as the case may be) that] conviction or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;
- (e) in the case of an election being declared void on an election petition, on the date of the report or certificate of the election court;

[^{F57}(ee) in the case of a disqualification under section 79 of the Local Government Act 2000, on the expiration of the ordinary period allowed for making an appeal or application with respect to the relevant decision under that section or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;]

(f) in the case of a person ceasing to be qualified to be a member of a local authority, or becoming disqualified, for any reason other than one mentioned in paragraphs (a) to [^{F58}(ee)] above, or ceasing to be a member of a local authority by reason of failure to attend meetings, on the date on which his office is declared to have been vacated either by the High Court or by the local authority, as the case may be; and

^{F59}(g)

(2) Public notice of a casual vacancy in any such office as is referred to in subsection (1) above shall be given by the local authority in which the office exists; and the steps required to be taken to give public notice in accordance with section 232 below shall be taken—

- (a) in a case where the local authority declare the office to be vacant, immediately after the declaration; and
- (b) in any other case, as soon as practicable after the date on which, by virtue of subsection (1) above, the vacancy is deemed to have occurred.

^{F60}(3)

Textual Amendments

- F55** Words in s. 87(1)(d) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), Sch. 3 para. 3(3)(a)
- F56** Words in s. 87(1)(d) substituted (11.9.1998) by 1998 c. 18, ss. 54(1) 55(2), Sch. 3 para. 3(3)(b)
- F57** S. 87(1)(ee) inserted (E.) (19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in Wales otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), Sch. 5 para. 11(a); S.I. 2000/3335, art. 2

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- F58** Words in s. 87(1)(f) substituted (E.) (19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in Wales otherwise 28.7.2001) by 2000 c. 22, ss. 107(1), 108(4), **Sch. 5 para. 11(b)**; S.I. 2000/3335, **art. 2**
- F59** S. 87(1)(g) repealed by S.I. 1977/1710, **art. 3(c)**
- F60** S. 87(3) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 9**) 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)

- C38** S. 87: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
- C39** S. 187(1)(d) amended by Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), s. 10(2); by Local Government Act 1985 (c. 51, SIF 81:1), s. 92(7) and by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 191(5), 231(7), 235(6)

88 Filling of casual vacancy in case of chairman, etc. E+W

- (1) On a casual vacancy occurring in the office of chairman of any council ^{F61} . . . , an election to fill the vacancy shall be held not later than the next ordinary meeting of the council held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the council, and shall be conducted in the same manner as an ordinary election.
- (2) ^{F62} . . . , a meeting of the council for the election may be convened by the proper officer of the authority.

^{F63}(2A)

- (3) In a parish not having a separate parish council, a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and a parish meeting shall be convened for the purpose of filling the vacancy forthwith.

Textual Amendments

- F61** Words repealed by S.I. 1977/1710, **art. 3(c)**
- F62** Words repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**
- F63** S. 88(2A) (inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 10(1)**) 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)

- C40** S. 88(1)(2) applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 88(1)(2): certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C41** S. 88(1)(2) applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
S. 88(1)(2): certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

89 Filling of casual vacancies in case of councillors. E+W

- (1) Subject to the provisions of this section, on a casual vacancy occurring in the office of councillor for any principal area, an election to fill the vacancy shall be held—

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- (a) in a case in which the High Court or the council have declared the office to be vacant, within [^{F64}thirty-five days] (computed in accordance with section 243(4) below) from the date of the declaration;
 - (b) in any other case, within [^{F64}thirty-five days] (so computed) after notice in writing of the vacancy has been given to the proper officer of the authority by two local government electors for the area.
- (2) The day of election to fill a casual vacancy in any office mentioned in subsection (1) above shall be fixed by the returning officer ^{F65} . . .
- (3) Where a casual vacancy in any such office occurs within six months before the day on which the councillor whose office is vacant would regularly have retired, an election shall not be held under subsection (1) above unless on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members; and where an election under subsection (1) above is not held, the vacancy shall be filled at the next ordinary election.

^{F66}(3A)

- (4) Where more than one casual vacancy in the office of councillor of a district in which councillors are elected by thirds is filled at the same election, the person elected by the smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have first retired, and the person elected by the next smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have next retired and so with respect to the others; and if there has not been a contested election, or if any doubt arises, the order of retirement shall be determined by lot.
- (5) Where an election to fill one or more casual vacancies in the office of councillor of any such district is combined with an ordinary election of councillors, the following provisions shall apply—
- (a) where an election is contested—
 - (i) the persons who are elected by the smallest numbers of votes, or if any relevant votes are equal such persons as are determined by lot, shall be deemed elected to fill the casual vacancies;
 - (ii) if the persons elected to fill the casual vacancies will hold office for different periods, the person elected by the smallest number of votes or, if the relevant votes are equal, such person as is determined by lot, shall hold office for the shorter period, and so with respect to the others;
 - (b) where the election is not contested—
 - (i) those declared elected (if fewer than the vacancies to be filled) shall be deemed elected to fill the vacancies in which they will hold office for the longest periods;
 - (ii) where there are two or more persons declared elected and they are to fill vacancies in which they will hold office for different periods, any retiring councillors elected shall be deemed elected to fill the vacancies in which they will hold office for the longest period, and the question which of the persons declared elected who are not retiring councillors is to be deemed elected to fill any of the vacancies not filled by retiring councillors shall be determined by lot.

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- (6) A casual vacancy among parish or community councillors shall be filled by election or by the parish or community council in accordance with rules made under ^{F67}section 36 of the Representation of the People Act 1983].
- (7) Where under this section any question is required to be determined by lot—
- (a) in the case of a contested election, the lot shall be drawn by the returning officer immediately after the question has arisen; and
 - (b) in any other case, the lot shall be drawn at the next meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

Textual Amendments

- F64** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), ss. 19\(6\)\(c\)](#), 29 (by S.I. 1985/1080, [art. 4\(5\)](#)) it is provided that the amendment made by s. 19(6)(c) shall not have effect for the purposes of any vacancy which occurred before 16.2.87)
- F65** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F66** [S. 89\(3A\)](#) (inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 10\(2\)](#)) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)
- F67** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 13](#)

Modifications etc. (not altering text)

- C42** [S. 89](#) excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 84\(2\)\(b\)](#), 86(9)
- C43** [S. 89](#) modified (8.3.1995) by S.I. 1995/610, [art. 9\(4\)](#)
[S. 89](#) applied (with modifications)(1.11.1995) by S.I. 1995/1747, [art. 2](#)
[S. 89](#) applied (with modifications)(12.7.1995) by S.I. 1995/1769, [art. 12\(2\)](#)
[S. 89](#) modified (12.7.1995) by S.I. 1995/1770, [art. 14\(3\)](#); S.I. 1995/1771, [art. 11\(2\)](#); S.I. 1995/1772, [art. 10\(2\)](#); S.I. 1995/1773, [art. 10\(3\)](#); S.I. 1995/1774, [art. 10\(3\)](#); S.I. 1995/1775, [art. 11\(2\)](#); S.I. 1995/1776, [art. 10\(2\)](#); S.I. 1995/1779, [art. 11\(2\)](#)
[S. 89](#) applied (with modifications)(1.3.1996) by S.I. 1996/507, [art. 10\(2\)](#)
[S. 89](#) applied (with modifications)(19.7.1996) by S.I. 1996/1865, [art. 8\(2\)](#); S.I. 1996/1866, [art. 8\(2\)](#); S.I. 1996/1867, [art. 11\(2\)](#); S.I. 1996/1868, [art. 8\(2\)](#); S.I. 1996/1875, [art. 9\(2\)](#); S.I. 1996/1876, [art. 12\(2\)](#); S.I. 1996/1878, [art. 11\(2\)](#); S.I. 1996/1879, [art. 15\(2\)](#)
- C44** [S. 89](#) excluded (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), [art. 12\(2\)](#)
- C45** [S. 89](#) excluded (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), [art. 12\(2\)](#)
- C46** [S. 89](#) excluded (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), [art. 5\(3\)](#)
- C47** [S. 89](#) excluded (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), [art. 12\(2\)](#)
- C48** [S. 89](#) excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [art. 5\(3\)](#)
- C49** [S. 89](#) excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [art. 12\(2\)](#)
- C50** [S. 89](#) excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [art. 23\(2\)](#)
- C51** [S. 89](#) excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), [art. 24\(2\)](#)
- C52** [S. 89](#) excluded (25.3.2010) by [The Norwich and Norfolk \(Structural Changes\) Order 2010 \(S.I. 2010/997\)](#), [arts. 1, 11\(2\)](#)
[S. 89](#) excluded (25.3.2010) by [The Exeter and Devon \(Structural Changes\) Order 2010 \(S.I. 2010/998\)](#), [arts. 1, 11\(2\)](#)

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- C53** S. 89(1) excluded (29.8.2008) by The Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 (S.I. 2008/2113), **reg. 13**
- C54** S. 89(3) modified (5.11.2008) by The Local Elections (Ordinary Day of Elections in 2009) Order 2008 (S.I. 2008/2857), **art. 5**
- C55** S. 89(3) applied (with modifications) (13.3.2004) by The Local Elections (Ordinary Day of Election 2004) Order 2004 (S.I. 2004/222), **art. 3(a)**

90 Term of office of persons filling casual vacancies. **E+W**

A person elected or appointed under the foregoing provisions of this Act in England or Wales [^{F68}or under Part ^{F69} . . . IV of the Local Government Act 1985] to fill any casual vacancy, or elected under the 1933 Act in England to fill a casual vacancy in the office of chairman of a parish council or parish meeting or of parish councillor, shall hold office until the date upon which the person in whose place he is elected [^{F68}or appointed] would regularly have retired, and he shall then retire.

Textual Amendments

- F68** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 11**
- F69** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C56** S. 90 amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**
- C57** S. 90 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 4**

91 Temporary appointment of members of parish and community councils. **E+W**

- (1) Where there are so many vacancies in the office of parish or community councillor that the parish or community council are unable to act, the district council [^{F70}or Welsh principal council] may by order appoint persons to fill all or any of the vacancies until other councillors are elected and take up office.
- (2) In the case of a common parish council under which are grouped, by virtue of section 11(5) above, parishes situated in different districts, the reference in subsection (1) above to the district council shall be construed as a reference to the council of the district in which there is the greater number of local government electors for the parishes in the group.
- (3) Two copies of every order made under this section shall be sent to the Secretary of State.

Textual Amendments

- F70** Words in s. 91(1) inserted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 24** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

- C58** S. 91: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

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Proceedings for disqualification

92 Proceedings for disqualification. **E+W**

- (1) Proceedings against any person on the ground that he acted or claims to be entitled to act as a member of a local authority while disqualified for so acting within the meaning of this section may be instituted by, and only by, any local government elector for the area concerned—
 - (a) in the High Court or a magistrates' court if that person so acted;
 - (b) in the High Court if that person claims to be entitled so to act;
 but proceedings under paragraph (a) above shall not be instituted against any person after the expiration of more than six months from the date on which he so acted.
- (2) Where in proceedings instituted under this section it is proved that the defendant has acted as a member of a local authority while disqualified for so acting, then—
 - (a) if the proceedings are in the High Court, the High Court may—
 - (i) make a declaration to that effect and declare that the office in which the defendant has acted is vacant;
 - (ii) grant an injunction restraining the defendant from so acting;
 - (iii) order that the defendant shall forfeit to Her Majesty such sum as the court think fit, not exceeding £50 for each occasion on which he so acted while disqualified;
 - (b) if the proceedings are in a magistrates' court, the magistrates' court may, subject to the provisions of this section, convict the defendant and impose on him a fine not exceeding [^{F71}level 3 on the standard scale] for each occasion on which he so acted while disqualified.
- (3) Where proceedings under this section are instituted in a magistrates' court, then—
 - (a) if the court is satisfied that the matter would be more properly dealt with in the High Court, it shall by order discontinue the proceedings;
 - (b) if the High Court, on application made to it by the defendant within fourteen days after service of the summons, is satisfied that the matter would be more properly dealt with in the High Court, it may make an order, which shall not be subject to any appeal, requiring the magistrates' court by order to discontinue the proceedings.
- (4) Where in proceedings instituted under this section in the High Court it is proved that the defendant claims to act as a member of a local authority and is disqualified for so acting, the court may make a declaration to that effect and declare that the office in which the defendant claims to be entitled to act is vacant and grant an injunction restraining him from so acting.
- (5) No proceedings shall be instituted against a person otherwise than under this section on the ground that he has, while disqualified for acting as a member of a local authority, so acted or claimed to be entitled so to act.
- (6) For the purposes of this section a person shall be deemed to be disqualified for acting as a member of a local authority—
 - (a) if he is not qualified to be, or is disqualified for being, a member of the authority; or
 - (b) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, or by reason of resignation or failure to

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attend meetings of the local authority, he has ceased to be a member of the authority.

[^{F72}(7) In this section “local authority” includes a joint authority ^{F73}. . . ; 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.]

[^{F74}(8) In relation to the Broads 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 the area of any of the local authorities mentioned in section 1(3) (a) of the Norfolk and Suffolk Broads Act 1988.]

Textual Amendments

- F71** Words substituted by virtue of [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), **ss. 38, 46**
- F72** [S. 92\(7\)](#) inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 12**
- F73** Words repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F74** [S. 92\(8\)](#) added by [Norfolk and Suffolk Broads Act 1988](#) (c. 4, SIF 81:1), ss. 21, 23(2), 27(2), **Sch. 6 para. 10(3)**

Modifications etc. (not altering text)

- C59** [S. 92](#) applied (in part) by [The Luton and South Bedfordshire Joint Committee Order 2007](#) (S.I. 2007/1412), **art. 6(2)**
- C60** [S. 92](#) applied by [Water Resources Act 1991](#) (c. 57, SIF 130), ss. 14, 225(2), **Sch. 4, Pt. I, para. 3(6)**.
- C61** [S. 92](#) extended by [Land Drainage Act 1976](#) (c. 70, SIF 73:1), s. 3(9), **Sch. 1 para. 8(5)**
- C62** [S. 92](#) applied by [Water Act 1973](#) (c. 37), s. 2(8), **Sch. 3 para. 9(5)**
- C63** [S. 92](#) applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.
[S. 92](#): certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.
[S. 92](#) applied (1.4.1996) by 1995 c. 25, s. 19, **Sch. 5 Pt. I para. 3(6)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
[S. 92](#) applied (with modifications)(19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 7(3)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
[S. 92](#) applied (4.3.1996) by S.I. 1996/263, **reg. 7(6)**
[S. 92](#) applied (with modifications)(14.12.1999) by 1999 c. 29, s. 23 (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- C64** [S. 92](#) applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
[S. 92](#): certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C65** [S. 92](#) applied (with modifications) (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1777), **art. 12(3)**
[S. 92](#) applied (with modifications) (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1778), **art. 12(3)**
- C66** [S. 92](#) applied in part (with modifications) (7.7.2005) by [The North Northamptonshire Joint Committee Order 2005](#) (S.I. 2005/1552), **art. 6(2)**
- C67** [S. 92\(7\)](#) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(e)**
- C68** [S. 92\(7\)](#) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(e)**

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Restrictions on voting

F75 93 **E+W**

Textual Amendments

F75 S. 93 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

94 Disability of members of authorities for voting on account of interest in contracts, etc. **E+W**

- (1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding [^{F76}level 4 on the standard scale] unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.
- (5) The following, that is to say—
 - (a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance;
 - (b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below [^{F77}or paragraph 25 of Schedule 2 to the Police Act 1996]. . . [^{F78}or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989] or his right to receive, or the possibility of his receiving, any such payment;
 shall not be treated as a pecuniary interest for the purposes of this section.

Textual Amendments

F76 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46

F77 Words in s. 94(5)(b) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), [Sch. 7 Pt. II para. 21](#)

F78 Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), [Sch. 11 para. 22](#)

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Modifications etc. (not altering text)

- C69** S. 94 excluded (W.) (18.4.2008) by [The Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008 \(S.I. 2008/788\)](#), [art. 4\(1\)\(a\)](#)
- C70** Ss. 94-96 applied (with modifications) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), s. 14, [Sch. 4 Pt. II para. 14\(1\)](#)
- C71** S. 94 modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 74(12)
- C72** S. 94 applied (with modifications) by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), [Sch. 1 para. 14B\(1\)](#), as inserted by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), [Sch. 4 para. 6](#)
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), [Sch. 8 para. 10\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
Ss. 94-98 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, [Sch. para. 20\(1\)](#); S.I. 1995/3229, art. 2, [Sch. para. 20\(1\)](#); S.I. 1995/3230, art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-98 applied (with modifications) (5.12.1995) by: S.I. 1995/3132, art. 2, [Sch. para. 20\(1\)](#); S.I. 1995/3133, art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-99 applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-98 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, [Sch. Pt. I](#)
Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, [Sch. 5 para. 14\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1996/186, [art. 3](#)
s. 94-98 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2916, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2917, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2918, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2919, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2920, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2921, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2922, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2923, art. 2, [Sch. para. 20\(1\)](#); S.I. 1996/2924, art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-98: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s.44(1), [Sch. 4\(a\)\(i\)](#); S.I. 1997/1930, [art. 2\(1\)\(2\)\(m\)](#)
Ss. 94-98 applied (with modifications) (E.) (temp. from 18.5.2001) by S.I. 2001/1517, [art. 7](#)
- C73** Ss. 94-98 excluded (temp. from 27.11.2001 until 27.7.2002) by S.I. 2001/3578, [art. 3\(1\)\(a\)](#)
Ss. 94-98 excluded (temp. from 27.11.2001 until 27.7.2002) by S.I. 2001/3576, [art. 3\(1\)\(a\)](#)
- C74** S. 94 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, [Sch. 1](#)
S. 94: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, [Sch. 1](#)
- C75** S. 94 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, [Sch. 1](#)
S. 94: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, [Sch. 1](#)
- C76** Ss. 94-98 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), [art. 14\(2\)\(b\)](#)
Ss. 94-98 applied (temp.) (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), [art. 14\(2\)\(b\)](#)
- C77** Ss. 94-98 disapplied by S.I. 2001/2289, art. 4 (as inserted (1.9.2004 for W.) by [The Conduct of Members \(Model Code of Conduct\) \(Wales\) \(Amendment\) \(No. 2\) Order 2004 \(S.I. 2004/1510\)](#), [art. 4\(1\)\(a\)](#))
- C78** Ss. 94-98 disapplied (3.5.2007) by [The Local Authorities \(Model Code of Conduct\) Order 2007 \(S.I. 2007/1159\)](#), [art. 3\(a\)](#)

95 Pecuniary interests for purposes of section 94. E+W

- (1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if—

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- (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
 - (b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.
- (2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.
- (3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

Modifications etc. (not altering text)

- C79** Ss. 94-96 applied and certain functions transferred (01.12.1991) with modifications by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), s. 14, Sch. 4, Pt. II, para. 14(1).
- C80** Ss. 95, 96 applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), **Sch. 1 para. 14B(1)**, as inserted by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), **Sch. 4 para. 6**
- C81** Ss. 94-98 excluded (27.11.2001*temp.* until 27.7.2002) by S.I. 2001/3576, **art. 3(1)(a)**
Ss. 94-98 excluded (27.11.2001*temp.* until 27.7.2002) by S.I. 2001/3578, **art. 3(1)(a)**
- C82** S. 95 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
S. 95: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 94-98 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
Ss. 94-98 applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
Ss. 94-99 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**
Ss. 94-98 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, **Sch. 5 para. 14(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, **art. 3**
Ss. 94-98 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**
Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(i)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 95 applied (8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 13(9)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
Ss. 94-98 applied (with modifications) (E.) (18.5.2001) (*temp.*) by S.I. 2001/1517, **art. 7**
- C83** S. 95 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.
S. 95: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

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96 General notices and recording of disclosures for purposes of section 94. E+W

- (1) A general notice given in writing to the proper officer of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, or that he or his spouse is the tenant of any premises owned by the authority, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.
- (2) The proper officer of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under section 94 above and of any notice given under this section, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

Modifications etc. (not altering text)

- C84** Ss. 94-98 applied (01.12.1991) with modifications by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), s. 14, [Sch. 4, Pt. II, para. 14\(1\)](#).
- C85** Ss. 95, 96 applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), [Sch. 1 para. 14B\(1\)](#), as inserted by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), [Sch. 4 para. 6](#)
- C86** S. 96 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch. 1](#)
S. 96: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, [Sch.1](#).
- C87** S. 96 applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch. 1](#).
S. 96: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, [Sch.1](#).
Ss. 94-98 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 10\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
Ss. 94-98 applied (with modifications)(11.12.1995) by [S.I. 1995/3218](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3229](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3230](#), art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-98 applied (with modifications)(5.12.1995) by [S.I. 1995/3132](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1995/3133](#), art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-99 applied (with modifications)(5.12.1995) by [S.I. 1995/3127](#), art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-98 applied (with modifications)(8.1.1996) by [1995 c. x](#), ss. 1(3), 44, [Sch. Pt. I](#)
Ss. 94-98 applied (1.4.1996) by [1995 c. 25](#), s. 19, [Sch. 5 para. 14\(1\)](#) (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); [S.I. 1996/186](#), [art. 3](#)
Ss. 94-98 applied (with modifications)(20.11.1996) by [S.I. 1996/2912](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2916](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2917](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2918](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2919](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2920](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2921](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2922](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2923](#), art. 2, [Sch. para. 20\(1\)](#); [S.I. 1996/2924](#), art. 2, [Sch. para. 20\(1\)](#)
Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by [1997 c. 50](#), s. 44(1), [Sch. 4\(a\)\(i\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)
S. 96 applied (with modifications)(8.5.2000) by [1999 c. 29](#), s. 154(4), [Sch. 10 para. 13\(10\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2(2)(b), [Sch. Pt. 2](#)
Ss. 94-98 applied (with modifications) (E.) (18.5.2001) (*temp.*) by [S.I. 2001/1517](#), [art. 7](#)
- C88** S. 96 excluded (16.1.1990 to a certain extent and 8.5.1992 otherwise) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 19(4); [S.I. 1989/2445](#), [art. 4](#); [S.I. 1992/760](#), [art.2](#).
- C89** Ss. 94-98 excluded (27.11.2001*temp.* until 27.7.2002) by [S.I. 2001/3576](#), [art. 3\(1\)\(a\)](#)
Ss. 94-98 excluded (27.11.2001*temp.* until 27.7.2002) by [S.I. 2001/3578](#), [art. 3\(1\)\(a\)](#)

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97 Removal or exclusion of disability, etc. E+W

- (1) The district council, as respects a member of a parish ^{F79}council, the principal council, as respects a member of a] community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the ^{F80} . . . council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the ^{F80} . . . council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.
- (2) The power of a ^{F81} . . . council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
- (3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a ^{F82} . . . council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.
- (4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as [^{F83}a person who is liable [^{F84}to pay an amount in respect of any community charge or in respect of council tax] or who would be so liable but for any enactment or anything provided or done under any enactment or as] a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.
- (5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.
- (6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed [^{F85}£5,000] or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.
- ^{F86}(7) Section 94 above shall not prohibit a director of a public transport company, or a subsidiary of such a company, who is neither—
 - (a) paid for acting as such; nor
 - (b) an employee of the public transport company or subsidiary,

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from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy; and in this subsection “public transport company” and “subsidiary” have the same meanings as in Part IV of the ^{M4}Transport Act 1985.]

Textual Amendments

- F79** Words in s. 97(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 25(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F80** Words in s. 97(1) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F81** Word in s. 97(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F82** Word in s. 97(3) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F83** Words inserted by S.I. 1990/10, **art. 2**
- F84** Words in s. 97(4) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 32** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3(1)(a)**
- F85** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 23**
- F86** S. 97(7) inserted (1.2.2001 (E.) and 1.8.2001 (W.)) by 2000 c. 38, s. 161, **Sch. 11 para. 5**; S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I**; S.I. 2001/2788, art. 2, **Sch. 1 para. 11**

Modifications etc. (not altering text)

- C90** Ss. 94-98 applied with modifications by Water Resources Act 1991 (c. 57, SIF 130), s. 14, **Sch. 4**, Pt. II, para. 14(1).
- C91** S. 97 applied with modifications by virtue of Land Drainage Act 1976 (c. 70, SIF 73), **Sch. 1 para. 14B(1)**, as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), **Sch. 4 para. 6**
- C92** Ss. 94-98 excluded (27.11.2001temp. until 27.7.2002) by S.I. 2001/3576, **art. 3(1)(a)**
Ss. 94-98 excluded (27.11.2001temp. until 27.7.2002) by S.I. 2001/3578, **art. 3(1)(a)**
- C93** S. 97 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**.
S. 97: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**.
- C94** S. 97 excluded (W.) (18.4.2008) by The Local Authorities (Model Code of Conduct) (Wales) Order 2008 (S.I. 2008/788), **art. 4(1)(a)**
- C95** S. 97 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
S. 97: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 94-98 applied (with modifications)(11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
Ss. 94-98 applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
Ss. 94-99 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**
Ss. 94-98 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, **Sch. 5 para. 14(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, **art. 3**
Ss. 94-98 applied (with modifications)(20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I.

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1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**

Ss. 94-98: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(i)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

Ss. 94-98 applied (with modifications) (E.) (18.5.2001) (*temp.*) by S.I. 2001/1517, **art. 7**

C96 Ss. 94-98 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 14(2)(b)**

Ss. 94-98 applied (*temp.*) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 14(2)(b)**

C97 Ss. 94-98 disapplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), **art. 3(a)**

C98 S. 97(1)-(3) applied (6.3.1992) by Local Government Finance Act 1992 (c. 14), **s. 106(5)** (with s. 118(1)(2)(4))

C99 S. 97(4)(5) applied (with modifications)(8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 13(11)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

Marginal Citations

M4 1985 c. 67.

98 Interpretation of sections 95 and 97. **E+W**

[^{F87}(1) In sections 95 and 97 “securities” means—

[^{F88}(a) any of the following kinds of investments, namely—

- (i) shares,
- (ii) instruments creating or acknowledging indebtedness,
- (iii) government and public securities,
- (iv) instruments giving entitlement to investments,
- (v) certificates representing securities,
- (vi) units in a collective investment scheme,
- (vii) rights to, or interests in, any security of a kind mentioned in subparagraphs (i) to (vi); or]

(b) instruments creating or acknowledging indebtedness;

(c) instruments giving entitlements to investments;

(d) certificates representing securities;

(e) units in a collective investment scheme;

(f) rights to, or interests in, any security of the kind mentioned in paragraphs (a) to (e);

(g) rights (whether actual or contingent) to money lent to, or deposited with—

(i) a society registered under the Industrial and Provident Societies Act 1965, or

(ii) a building society within the meaning of the Building Societies Act 1986,

and the definition of securities must be read with section 22 of the Financial Services and Markets Act 2000, any relevant order under that section and Schedule 2 to that Act.]

[^{F89}(1A) In sections 94 and 97 above “local authority” includes a joint authority [^{F90}, the London Fire and Emergency Planning Authority][^{F91} and a police authority established under

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[^{F92}section 3 of the Police Act 1996][^{F93}and the Metropolitan Police Authority]. . .] . . .
and in section 94(5)(a) above “principal council” includes any such authority.]

(1B) ^{F94}

(2) In section 95 above “public body” includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the ^{M5}National Trust Act 1907.

[^{F95}(3) Paragraph (a) of subsection (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

Textual Amendments

- F87** S. 98(1) substituted (1.12.2001) by [S.I. 2001/3649](#), **arts. 1, 281**
- F88** S. 98(1)(a) substituted (3.7.2002) by The Financial Services and Markets Act 2000 (Consequential Amendments) Order ([S.I. 2002/1555](#)), **art. 5(1)**;
- F89** S. 98(1A) inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 13**
- F90** Words in s. 98(1A) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 15** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), **art. 4(a)(h)**
- F91** Words in s. 98(1A) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 7**; [S.I. 1994/2025](#), **art. 6**; [S.I. 1994/3236](#), **art. 4(1)**, **Sch.**
- F92** Words in s. 98(1A) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(2)(h)**
- F93** Words in s. 98(1A) inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 25** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1648](#), **art. 2**, **Sch.**
- F94** S. 98(1B) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, [Sch. 6 para. 24\(b\)](#), **Sch. 7 Pt. 5(1)**; [S.I. 2002/344](#), **art. 3(j)(k)(m)** (with transitional provisions in [art. 4](#))
- F95** S. 98(3) inserted (3.7.2002) by The Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002 ([S.I. 2002/1555](#)), **art. 5(2)**

Modifications etc. (not altering text)

- C100** S. 98 excluded (W.) (18.4.2008) by [The Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008](#) ([S.I. 2008/788](#)), **art. 4(1)(a)**
- C101** Ss. 94-98 applied (with modifications) by [Water Resources Act 1991](#) (c. 57, SIF 130), s. 14, **Sch. 4 Pt. II para. 14(1)**
- C102** Ss. 94-98 excluded (temp. from 27.11.2001 until 27.7.2002) by [S.I. 2001/3576](#), **art. 3(1)(a)**
Ss. 94-98 excluded (temp. from 27.11.2001 until 27.7.2002) by [S.I. 2001/3578](#), **art. 3(1)(a)**
- C103** S. 98 applied (10.1.1992) by [S.I. 1991/2913](#), **arts. 6, 8**, **Sch. 1**
S. 98: certain functions transferred (subject to modifications) (10.1.1992) by [S.I. 1991/2913](#), **arts. 6, 8**, **Sch. 1**
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 10(1)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
Ss. 94-98 applied (with modifications) (11.12.1995) by: [S.I. 1995/3218](#), **art. 2**, **Sch. para. 20(1)**; [S.I. 1995/3229](#), **art. 2**, **Sch. para. 20(1)**; [S.I. 1995/3230](#), **art. 2**, **Sch. para. 20(1)**
Ss. 94-98 applied (with modifications) (5.12.1995) by: [S.I. 1995/3132](#), **art. 2**, **Sch. para. 20(1)**; [S.I. 1995/3133](#), **art. 2**, **Sch. para. 20(1)**
Ss. 94-99 applied (with modifications) (5.12.1995) by [S.I. 1995/3127](#), **art. 2**, **Sch. para. 20(1)**
Ss. 94-98 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

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Ss. 94-98 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**

Ss. 94-98: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s.44(1), **Sch. 4(a)(i)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

Ss. 94-98 applied (with modifications) (E.) (temp. from 18.5.2001) by S.I. 2001/1517, **art. 7**

C104 S. 98 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**

S. 98: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**

C105 Ss. 94-98 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 14(2)(b)**

Ss. 94-98 applied (temp.) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 14(2)(b)**

C106 Ss. 94-98 disapplied (3.5.2007) by The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159), **art. 3(a)**

C107 S. 98(1) extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), reg. 15, **Sch. 2 para. 8(2)(b)**

C108 S. 98(1A) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(f)**

C109 S. 98(1A) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(f)**

Marginal Citations

M5 1907 c. cxxxvi.

Meetings and proceedings

99 Meetings and proceedings of local authorities. **E+W**

The provisions of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local authorities [^{F96}, joint authorities, [^{F97}police authorities established under [^{F98} section 3 of the Police Act 1996][^{F99}, the Metropolitan Police Authority]. . . ^{F100} . . .] and their committees, parish meetings and their committees and community meetings.

Textual Amendments

F96 Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 14**

F97 Words in s. 99 inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 Pt. I para. 7**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4(1), **Sch.**

F98 Words in s. 99 substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. I para. 1(1)(2)(h)**

F99 Words in s. 99 inserted (3.7.2000) by 1999 c. 29, s. 325, **Sch. 27 para. 26** (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, **Sch.**

F100 Words 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)

C110 S. 99 amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(g)**

C111 S. 99 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(g)**

C112 S. 99 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

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- S. 99: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C113** S. 99 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- S. 99: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. Sch.1**
- S. 99 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(1)(a)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- S. 99 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 20(1)**; S.I. 1995/3229, art. 2, **Sch. para. 20(1)**; S.I. 1995/3230, art. 2, **Sch. para. 20(1)**
- S. 99 applied (with modifications) (5.12.1995) by: S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
- Ss. 94-99 applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**
- S. 99 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 20(1)**; S.I. 1996/2916, art. 2, **Sch. para. 20(1)**; S.I. 1996/2917, art. 2, **Sch. para. 20(1)**; S.I. 1996/2918, art. 2, **Sch. para. 20(1)**; S.I. 1996/2919, art. 2, **Sch. para. 20(1)**; S.I. 1996/2920, art. 2, **Sch. para. 20(1)**; S.I. 1996/2921, art. 2, **Sch. para. 20(1)**; S.I. 1996/2922, art. 2, **Sch. para. 20(1)**; S.I. 1996/2923, art. 2, **Sch. para. 20(1)**; S.I. 1996/2924, art. 2, **Sch. para. 20(1)**
- S. 99: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s.44(1), **Sch. 4(a)(ii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C114** S. 99 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), arts. 1(2), 2, **Sch. para. 15**

100 Admission of public and press to local authority committee meetings. **E+W**

- (1) For the purpose of securing the admission, so far as practicable, of the public (including the press) to all meetings of committees of local authorities as well as to meetings of local authorities themselves, the^{M6}Public Bodies (Admission to Meetings) Act 1960 (in this section referred to as “the 1960 Act”) shall have effect subject to the following provisions of this section.
- (2) Without prejudice to section 2(1) of the 1960 Act (application of section 1 of that Act to any committee of a body whose membership consists of or includes all members of that body) section 1 of the 1960 Act shall apply^{F101} . . . to any committee appointed by one or more local authorities under section 102 below, not being a committee falling within section 2(1) of the 1960 Act [^{F102}or section 100E(3)(a) or (b) below (whether or not by virtue of section 100J below)].
- (3) Where section 1 of the 1960 Act applies to a committee by virtue of subsection (2) above, then, for the purposes of subsection (4)(c) of that section, premises belonging to the local authority or one or more of the local authorities which appointed the committee shall be treated as belonging to the committee.

Textual Amendments

- F101** Words repealed by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 61(1)(a)**, Sch. 3
- F102** Words added by Local Government (Access to Information) Act 1985 (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 61(1)(b)**

Modifications etc. (not altering text)

- C115** S. 100 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.

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S. 100: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**.

C116 S. 100 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.

S. 100: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch.1**.

S. 100 excluded (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 12(1)(b)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Marginal Citations

M6 1960 c. 67.

Status:

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Changes to legislation:

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