



Local Government Act 1972

1972 CHAPTER 70

PART V

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. 5 (ss. 79-100) applied (12.4.1994) by [S.I. 1994/867](#), [reg. 11\(6\)](#)
Pt. 5 (ss. 79-100) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), [art. 4\(1\)](#)
- C4** Pt. 5 applied (25.5.2018) by [The East Suffolk \(Local Government Changes\) Order 2018 \(S.I. 2018/640\)](#), arts. 1, [17\(1\) Table](#)
- C5** Pt. 5 applied (25.5.2018) by [The West Suffolk \(Local Government Changes\) Order 2018 \(S.I. 2018/639\)](#), arts. 1, [17\(1\) Table](#)
- C6** Pt. 5 applied (26.5.2018) by [The Somerset West and Taunton \(Local Government Changes\) Order 2018 \(S.I. 2018/649\)](#), arts. 1, [17\(1\) Table](#)
- C7** Pt. 5 applied (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, [36\(1\)](#)
- C8** Pt. 5 applied (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, [21\(1\)](#)
- C9** Pt. 5 applied (23.5.2019) by [The Buckinghamshire \(Structural Changes\) Order 2019 \(S.I. 2019/957\)](#), arts. 1, [15\(1\)](#)
- C10** Pt. 5 applied (14.2.2020) by [The Northamptonshire \(Structural Changes\) Order 2020 \(S.I. 2020/156\)](#), arts. 1, [17\(1\)](#)

Qualifications and disqualifications

79 Qualifications for election and holding office as member of local authority.

- (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}. . . if he is a

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[^{F2}qualifying Commonwealth citizen] or a citizen of the Republic of Ireland [^{F3}or a relevant citizen of the Union [^{F4}or, in the case of a local authority in Wales, a qualifying foreign citizen]] and on the relevant day he has attained the age of [^{F5}eighteen] 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
- (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.

[^{F6}(2A) In this section the expression “citizen of the Union” shall be construed in accordance with [^{F7}Article 20(1) of the Treaty on the Functioning of the European Union], and “relevant citizen of the Union” means such a citizen who is not a [^{F8}qualifying] Commonwealth citizen or a citizen of the Republic of Ireland.]

[^{F9}(3)

[^{F10}(2B) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(2C) But a person is not a qualifying Commonwealth citizen by virtue of subsection (2B)

(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).]

[^{F11}(2D) For the purposes of this section, a person is a qualifying foreign citizen if the person—

- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
- (b) either—
 - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
 - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(2E) But a person is not a qualifying foreign citizen by virtue of subsection (2D)(b)(i) if the person does not require leave to enter or remain in the United Kingdom by virtue

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only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).]

Textual Amendments

- F1** Words in s. 79(1) omitted (30.12.2007) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 5(2)** and said words repealed (prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, 245, **Sch. 18 Pt. 3**
- F2** Words in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F3** Words in s. 79(1) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)
- F4** Words in s. 79(1) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 19(2)**, 175(7); S.I. 2021/1249, **art. 2(a)** (with art. 4)
- F5** Word in s. 79(1) substituted (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 17(4)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(d)
- F6** S. 79(2A) inserted (1.1.1996) by S.I. 1995/1948, **regs. 1(2)**, 3(1)
- F7** Words in s. 79(2A) substituted (1.8.2012) by The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), **art. 2(1)**, **Sch. Pt. 1** (with art. 2(2))
- F8** Word in s. 79(2A) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F9** 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**
- F10** S. 79(2B)(2C) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, **Sch. 1 para. 43(4)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)
- F11** S. 79(2D)(2E) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), **ss. 19(3)**, 175(7); S.I. 2021/1249, **art. 2(a)** (with art. 4)

Modifications etc. (not altering text)

- C11** 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)**
- C12** 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**
- C13** Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), **arts. 1(1), 7**, **Sch. 1**
- C14** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), **arts. 1(1), 8**, **Sch. 1**

80 Disqualifications for election and holding office as member of ^{F12}a local authority in England].

- (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 ^{F13}in England^{F14}. . . if he—
- (a) holds any paid office or employment (other than the office of chairman, vice-chairman ^{F15}, deputy chairman, presiding member or deputy presiding member)^{F15}^{F16}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 ^{F17}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 a ^{F18}. . . joint committee

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- [^{F19}or National Park authority] on which the authority are represented or by any person holding any such office or employment; or
- [^{F20}(b) is the subject of a bankruptcy restrictions order [^{F21}or an interim bankruptcy restrictions order, or a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB of the Insolvency Act 1986];]
- ^{F22}(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
- [^{F23}(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 [^{F24}under [^{F25}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 [^{F26}in England] 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 [^{F27}, joint authority] [^{F28}economic prosperity board, combined authority,]^{F29}... 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.

- [A paid member of staff of the Greater London Authority who is employed under the ^{F30}(2AA) 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.]

^{F31}(2AB)

[Subsection (2) above shall have effect as if the reference to a joint board included a ^{F32}(2A) 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.]

[Subsection (1)(a) shall have effect in relation to a teacher in a school maintained by ^{F33}(3) 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.]

^{F34}(4)

(5) For the purposes of subsection (1) ^{F35}. . . (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the ^{F35}. . . conviction expires or, if such an appeal or application is made, the date on which the appeal

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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 ^{F35} . . . conviction, ^{F35} . . .

^{F36}(6)]

Textual Amendments

- F12** Words in s. 80 heading substituted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 2 para. 1(3)(d)**; S.I. 2021/1249, art. 2(b) (with art. 4)
- F13** Words in s. 80(1) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 2 para. 1(3)(a)**; S.I. 2021/1249, art. 2(b) (with art. 4)
- F14** Words in s. 80(1) repealed (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 241, 245(2), **Sch. 3 para. 6(2)**, **Sch. 18 Pt. 3**
- F15** Words in s. 80(1) substituted (30.9.2013) by Local Government (Democracy) (Wales) Act 2013 (anaw 4), ss. 51(4), 75(2)(d)
- F16** 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)**
- F17** 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)**
- F18** 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**
- F19** 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)**
- F20** S. 80(1)(b) substituted (1.4.2004) by Enterprise Act 2002 (c. 40), ss. 267(1), 279; S.I. 2003/2093, **art. 2(2)**, **Sch. 2** (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))
- F21** Words in s. 80(1)(b) substituted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 5** (with arts. 5, 6)
- F22** S. 80(1)(c) repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F23** S. 80(1)(e) substituted (4.3.1996) by S.I. 1996/263, **reg. 7(7)**
- F24** 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.)
- F25** Words in s. 80(1)(e) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(1)**
- F26** Words in s. 80(2) inserted (17.11.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(7), **Sch. 2 para. 1(3)(b)**; S.I. 2021/1249, art. 2(b) (with art. 4)
- F27** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 3(1)**
- F28** Words in s. 80(2)(b) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 12**; S.I. 2009/3318, **art. 2(e)**
- F29** Words in s. 80(2)(b) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(b)**; S.I. 2015/994, art. 6(g)
- F30** 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**
- F31** S. 80(2AB) omitted (21.1.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(1)(e), **Sch. 9 para. 14**
- F32** 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)**
- F33** S. 80(3) substituted (1.9.1999) by S.I. 1999/2267, **regs. 1, 9**
- F34** S. 80(4) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 139(3), 140, **Sch. 8**
- F35** Words repealed by Local Government Finance Act 1982 (c. 32, SIF 81:1), s. 38(5), **Sch. 6 Pt. IV**
- F36** 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**

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- C14** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 8, **Sch. 1**
- C15** 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**
- C16** 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**
- C17** 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)**
- C18** S. 80 applied by [1959 c. xlvi s. 11\(2\)](#) (as substituted (15.1.2014) by [Humber Bridge Act 2013 \(c. vi\)](#), s. 1(1), **Sch. 1 para. 1**)
- C19** S. 80(1)(a) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C20** S. 80(1)(a) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(b)**
- C21** S. 80(1)(b)(d)(5) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 7(6)**
- C22** S. 80(2)(b) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(b)**
- C23** S. 80(2)(b) modified by [S.I. 1987/2110](#), art. 2, **Sch. 1 para. 3(b)**

[^{F37}80A Disqualification for election or being a member of a local authority in Wales

- (1) A person is disqualified for being elected or being a member of a local authority in Wales if—
- (a) the person is the subject of—
 - (i) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Schedule 2A to the Insolvency (Northern Ireland) Order 1989, or Part 13 of the Bankruptcy (Scotland) Act 2016;
 - (ii) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989;
 - (b) the person is disqualified for being elected or for being a member of the authority under Part 3 of the Representation of the People Act 1983 (corrupt or illegal practices);
 - (c) the person is subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003;
 - (d) the person has a relevant criminal conviction.
- (2) A person has a relevant criminal conviction if, during the period of five years ending with the day of the local authority election, or since the person's election, the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man of an offence for which the person has been sentenced to a term of imprisonment (whether suspended or not) of 3 months or more without the option of a fine.
- (3) A person is not disqualified under subsection (1)(c) at any time before the end of the ordinary period allowed for making—

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- (a) an appeal or application in respect of the conviction or finding to which the notification requirements relate;
 - (b) an appeal in respect of the order.
- (4) A person is not disqualified under subsection (1)(d) at any time before the end of the ordinary period allowed for making an appeal or application in respect of the conviction.
- (5) A person who makes an appeal or application of the kind mentioned in subsection (3) or (4) is not disqualified under subsection (1)(c) or (d) at any time before the end of the day on which the appeal or application is finally disposed of, or is abandoned, or fails by reason of non-prosecution.
- (6) A person who would be disqualified but for subsection (3), (4) or (5) must not act in the office of member of a local authority in Wales.

Textual Amendments

F37 Ss. 80A-80C inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. 20, 175(7); S.I. 2021/1249, art. 2(a) (with art. 4)

80B Disqualification for being a member of a local authority in Wales and holding local office or employment

- (1) A person who holds a relevant paid office or employment (see section 80C) is disqualified for being a member of a local authority in Wales, (but not for being elected as such a member).
- (2) A person is not disqualified under subsection (1) at any time before the person makes a declaration of acceptance of office in accordance with section 83.
- (3) Subsections (4), (5) and (6) apply where a person is elected as a member of a local authority in Wales and resigns from the relevant paid office or employment for the purpose of taking office as a member.
- (4) The resignation terminates the holding of the paid office or employment with immediate effect.
- (5) Any notice requirement in the terms and conditions under which the paid office or employment is held has no effect.
- (6) Section 86(2) of the Employment Rights Act 1996 (requirement on employee to give minimum of one week's notice) does not apply.
- (7) This section does not apply to a person who is disqualified for being elected or being a member of a local authority under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).

Textual Amendments

F37 Ss. 80A-80C inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. 20, 175(7); S.I. 2021/1249, art. 2(a) (with art. 4)

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80C Paid office or employment to which disqualification applies

- (1) For the purposes of section 80B “a relevant paid office or employment” is a paid office or employment appointment or election to which is or may be made or confirmed by—
 - (a) the local authority to which the person was elected a member;
 - (b) a committee or sub-committee of the local authority;
 - (c) a joint committee or National Park authority on which the local authority is represented; or
 - (d) a holder of a paid office or employment of the kind described in paragraphs (a), (b) or (c).
- (2) But a relevant paid office or employment in subsection (1) does not include the office of—
 - (a) chairman, vice-chairman, presiding member or deputy presiding member, or
 - (b) in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.
- (3) Subsection (1) has effect in relation to a teacher in a school maintained by a local authority whether or not the appointment to the post was made in accordance with that subsection.
- (4) Where the holder of a relevant paid office in a local authority in Wales (“local authority A”) is employed under the direction of—
 - (a) a committee or sub-committee of local authority A any member of which is appointed on the nomination of another local authority in Wales (“local authority B”), or
 - (b) a joint board, a National Park authority, or joint committee on which local authority A is represented and any member of which is appointed on the nomination of local authority B,
 section 80B applies in respect of the person's membership of local authority B.
- (5) For the purposes of this section, a local authority is represented on a National Park authority if it is entitled to appoint a member of the local authority as a member of the National Park authority.]

Textual Amendments
F37 Ss. 80A-80C inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), ss. 20, 175(7); S.I. 2021/1249, art. 2(a) (with art. 4)

81 Exceptions to provisions of section 80.

- (1) ^{F38}
- (2) [^{F39}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.]
- ^{F40}(3)

Status: Point in time view as at 17/11/2021.

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^{F41}(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, ^{F42}. . . 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

^{F43}(b)

Textual Amendments

- F38** S. 81(1) repealed (1.4.2004) by [Enterprise Act 2002 \(c. 40\)](#), ss. 267(2), 278, 279, [Sch. 26](#); S.I. 2003/2093, [art. 2\(2\)](#), [Sch. 2](#) (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))
- F39** It is provided that s. 81(2) is repealed by virtue of [Enterprise Act 2002 \(c. 40\)](#), ss. 267(2), 278, 279, [Sch. 26](#); the repeals purportedly relating to sections 81(1) and 82(2) coming into force on 1.4.2004 by virtue of S.I. 2003/2093 {art. 2(2)}, Sch. 2 (with transitional provisions in arts. 3-8 (as amended by S.I. 2003/2332))
- F40** S. 81(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F41** S. 81(3A) repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), Sch. 7
- F42** Word repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. II](#)
- F43** 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)

- C13** Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, [Sch. 1](#)
- C14** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 8, [Sch. 1](#)
- C24** 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](#)
- C25** 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](#)
- C26** S. 81(1)(2) applied (4.3.1996) by S.I. 1996/263, [reg. 7\(6\)](#)

82 Validity of acts done by unqualified persons.

[^{F44}(1)] The acts and proceedings of any person elected to an office under this Act [^{F45}or elected or appointed to an office under Part ^{F46}. . . IV of the Local Government Act 1985][^{F47}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.

[^{F48}(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.]

Status: Point in time view as at 17/11/2021.

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Textual Amendments

- F44** 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\(2\)](#)
- F45** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 4](#)
- F46** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), [Sch. 13 Pt. I](#)
- F47** 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](#)
- F48** 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)

- C13** Ss. 79-82 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, [Sch. 1](#)
- C14** Ss. 79-82 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 8, [Sch. 1](#)
- C27** S. 82 amended by [S.I. 1985/1884](#), arts. 10, 11(3), [Sch. 3 para. 2](#)
- C28** S. 82 modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 4](#)
- C29** 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](#)
- C30** 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](#)
- C31** 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\(1\)](#)
- C32** 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.

- (1) The person elected to any of the following offices, that is to say, the office of chairman, vice-chairman, [^{F49}presiding member, deputy presiding member,]^{F50} . . . councillor [^{F51}or elected mayor] of the council of a county [^{F52}, county borough], district or London borough^{F53} . . . shall not, unless he has made a declaration of acceptance of office in a form prescribed by [^{F54}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.

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(2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.

(3) The declaration shall be made before either—

- (a) two members of the council to which the declarant is elected; or
- ^{F55}(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 ^{F56}Senior Courts].

^{F57}(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 ^{F54}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

- F49** Words in s. 83(1) inserted (30.9.2013) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\)](#), [ss. 51\(5\), 75\(2\)\(d\)](#)
- F50** Words repealed by [S.I. 1977/1710, art. 3\(c\)](#)
- F51** 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\(e\)](#)
- F52** 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](#)
- F53** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1, 102, Sch. 17](#)
- F54** Words substituted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), [s. 30\(2\)](#)
- F55** 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\(e\)](#)
- F56** Words in s. 83(3)(d) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 59, 148, Sch. 11 para. 4\(1\)\(2\)\(3\)](#); [S.I. 2009/1604, art. 2](#)
- F57** 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)

- C33** S. 83 modified (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), [art. 9\(10\)](#)
- C34** S. 83 amended by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 31\(7\)](#)
- C35** S. 83 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 84\(2\)\(b\), 86\(9\)](#)

Status: Point in time view as at 17/11/2021.

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- S. 83 excluded (27.11.2001temp. until 27.7.2002) by S.I. 2001/3576, **art. 3(1)(b)**
C36 S. 83(1)-(3) modified (14.2.2020) by The Northamptonshire (Structural Changes) Order 2020 (S.I. 2020/156), arts. 1, **20(15)(16)**

84 Resignation.

[^{F58}(1)] A person elected to any office under this Act [^{F59}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;
- (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.

[^{F60}(2)] A person elected or appointed to an office under Part ^{F61} . . . 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

- F58** S. 84 renumbered as s. 84(1) by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 6**
F59 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)**
F60 S. 84(2) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 6**
F61 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)

- C37** 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**
C38 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**
C39 S. 84 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
C40 S. 84 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**
C41 S. 84(2) amended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 2**
C42 S. 84(2) modified by S.I. 1987/2110, **art. 2(2) Sch. 1 para. 4**

Status: Point in time view as at 17/11/2021.

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85 Vacation of office by failure to attend meetings.

- (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.
- [^{F62}(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 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 [^{F63}or of a failure to attend meetings of the executive] if the failure is due to that employment.
- [^{F64}(3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, ^{F65}[^{F66}... 73, 78 ^{F65}...] 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) [^{F67}or (2A)] above (and, accordingly, a period during which a member fails to attend meetings of the authority [^{F68}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).]
- [^{F69}(3B) Subsections (3C) and (3D) apply for the purpose of calculating the period of six consecutive months under subsection (1) or (2A).
- (3C) Any period during which a member of a local authority in Wales is exercising a right to absence under Part 2 of the Local Government (Wales) Measure 2011 is to be disregarded.
- (3D) The following two periods are to be treated as consecutive—

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- (a) the period during which a member of a local authority in Wales fails to attend meetings of the authority or, as the case may be, meetings of the executive that falls immediately before the period described in subsection (3C), and
- (b) the period that falls immediately after the period described in subsection (3C).]

[^{F70}(4) In this section “local authority” includes a joint authority [^{F71}, an economic prosperity board][^{F72}and a combined authority]^{F73} . . .]

Textual Amendments

- F62** 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)
- F63** 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)
- F64** 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
- F65** Words in s. 85(3A) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 5; S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)
- F66** Words in s. 85(3A) substituted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 201(4)(a), 245; S.I. 2008/172, art. 4(l)
- F67** 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)
- F68** 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)
- F69** S. 85(3B)-(3D) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), ss. 31(2), 178(3); S.I. 2012/1187, art. 2(1)(c)
- F70** S. 85(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, Sch. 14 Pt. 1 para. 7
- F71** Words in s. 85(4) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), Sch. 6 para. 13; S.I. 2009/3318, art. 2(c)
- F72** Words in s. 85(4) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(7), Sch. 13 para. 6(7)(c); S.I. 2015/994, art. 6(g)
- F73** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), Sch. 13 Pt. 1

Modifications etc. (not altering text)

- C43** 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
 - 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
- C44** 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
- C45** 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)

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- C46 S. 85 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, **Sch. 1**
- C47 S. 85 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 8, **Sch. 1**
- C48 S. 85 modified (W.) (22.4.2020) by [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020 \(S.I. 2020/442\)](#), regs. 1(3), **10**
- C49 S. 85(1) applied by 1959 c. xlv s. 11(2) (as substituted (15.1.2014) by [Humber Bridge Act 2013 \(c. vi\)](#), s. 1(1), **Sch. 1 para. 1**)
- C50 S. 85(1)(2)(3) applied (with modifications) (1.4.2015) by [The Dorset and Wiltshire Fire and Rescue Authority \(Combination Scheme\) Order 2015 \(S.I. 2015/435\)](#), art. 1(2), **Sch. para. 17**
- C51 S. 85(1)(2)(3) applied (with modifications) (1.4.2020) by [The Hampshire and Isle of Wight Fire and Rescue Authority \(Combination Scheme\) Order 2020 \(S.I. 2020/186\)](#), art. 1(2), **Sch. para. 17**
- C52 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.

[^{F74}(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 [^{F75}under [^{F76}section 80A(1)(c) of this Act,] section 79 of the Local Government Act 2000 or section 34 of the Localism Act 2011 or by virtue of], a conviction or a breach of any provision of Part II of the ^{M1}[^{F77}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.

[^{F78}(2) In this section “local authority” includes a joint authority [^{F79}, an economic prosperity board][^{F80}and a combined authority]^{F81} . . .]

Textual Amendments

- F74 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**
- F75 Words in s. 86(1)(b) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), **Sch. 12 para. 5**; [S.I. 2015/841](#), art. 3(x)
- F76 Words in s. 86(1)(b) inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), **Sch. 2 para. 1(4)**; [S.I. 2021/1249](#), art. 2(b) (with art. 4)
- F77 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 8 para. 12**
- F78 S. 86(2) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**
- F79 Words in s. 86(2) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 14**; [S.I. 2009/3318](#), art. 2(e)
- F80 Words in s. 86(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(7)(d)**; [S.I. 2015/994](#), art. 6(g)
- F81 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)

- C53 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**

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- C54** S. 86 applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), arts. 1(2), **11**
- C55** S. 86 applied (with modifications) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **42**
- C56** 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)**
- C57** S. 86(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(d)**
- C58** S. 86(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(d)**

Marginal Citations

M1 1983 c. 2.(42).

87 Date of casual vacancies.

- (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 [^{F82}by virtue of a] conviction, on the expiration of the ordinary period allowed for making an appeal or application with respect to the ^{F83}... 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;
 - [^{F84}(da) in the case of disqualification of a member of a local authority in Wales under paragraph (c) of section 80A(1), on the date on which the person becomes disqualified under that paragraph;]
 - (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;
 - [^{F85}(ee) in the case of a disqualification under section ^{F86}... 79 of the Local Government Act 2000 [^{F87}or section 34 of the Localism Act 2011 or], on the expiration of the ordinary period allowed for making an appeal or application with respect to the relevant decision [^{F88}or order] 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 [^{F89}(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
 - ^{F90}(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

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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.

^{F91}(3)

Textual Amendments

- F82** Words in s. 87(1)(d) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 6\(a\)](#); S.I. 2015/841, art. 3(x)
- F83** Words in s. 87(1)(d) omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 6\(b\)](#); S.I. 2015/841, art. 3(x)
- F84** S. 87(1)(da) inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 2 para. 1\(5\)](#); S.I. 2021/1249, art. 2(b) (with art. 4)
- F85** 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](#)
- F86** Words in s. 87(1)(ee) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)
- F87** Words in s. 87(1)(ee) inserted (1.7.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 34\(11\)\(a\)](#), 240(2); S.I. 2012/1463, [art. 5\(c\)](#) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F88** Words in s. 87(1)(ee) inserted (1.7.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 34\(11\)\(b\)](#), 240(2); S.I. 2012/1463, [art. 5\(c\)](#) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2)
- F89** 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](#)
- F90** S. 87(1)(g) repealed by S.I. 1977/1710, [art. 3\(c\)](#)
- F91** 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)

- C59** 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](#)
- C60** 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.

- (1) On a casual vacancy occurring in the office of chairman of any council ^{F92}. . . , 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) ^{F93}. . . , a meeting of the council for the election may be convened by the proper officer of the authority.

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^{F94}(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

F92 Words repealed by [S.I. 1977/1710, art. 3\(c\)](#)

F93 Words repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\), s. 1\(1\), Sch. 1 Pt. XII](#)

F94 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)

C61 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](#)

C62 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](#).

C63 S. 88(1)(2) applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\), arts. 1\(1\), 7, Sch. 1](#)

C64 S. 88(1)(2) applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\), arts. 1\(1\), 8, Sch. 1](#)

89 Filling of casual vacancies in case of councillors.

- (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—
- (a) in a case in which the High Court or the council have declared the office to be vacant, within [^{F95}thirty-five days] (computed in accordance with section 243(4) below) from the date of the declaration;
 - (b) in any other case, within [^{F95}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 ^{F96}
- (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.

^{F97}(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

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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.
- (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 [F98 section 36 of the Representation of the People Act 1983][F99 in the case of a parish council or, in the case of a community council, made under section 36A of the 1983 Act].
- (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

- F95** 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)
- F96** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F97** 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**
- F98** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 13**
- F99** Words in s. 89(6) inserted (W.) (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(3)(f), **Sch. 2 para. 1(6)**

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Modifications etc. (not altering text)

- C65** S. 89 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **ss. 84(2)(b)**, 86(9)
- C66** 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)**
- C67** S. 89 excluded (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\)](#), **art. 12(2)**
- C68** S. 89 excluded (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\)](#), **art. 12(2)**
- C69** S. 89 excluded (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), **art. 5(3)**
- C70** S. 89 excluded (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), **art. 12(2)**
- C71** S. 89 excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 5(3)**
- C72** S. 89 excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 12(2)**
- C73** S. 89 excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 23(2)**
- C74** S. 89 excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 24(2)**
- C75** 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)**
- C76** S. 89 excluded (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, **5(3)**
- C77** S. 89 excluded (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, **6(3)**
- C78** S. 89 excluded (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, **4(3)**
- C79** S. 89 excluded (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, **9(3)**
- C80** S. 89 excluded (26.5.2018) by [The Bournemouth, Dorset and Poole \(Structural Changes\) Order 2018 \(S.I. 2018/648\)](#), arts. 1, **8(3)**
- C81** S. 89 excluded (23.5.2019) by [The Buckinghamshire \(Structural Changes\) Order 2019 \(S.I. 2019/957\)](#), arts. 1, **4(3)**
- C82** S. 89 excluded (14.2.2020) by [The Northamptonshire \(Structural Changes\) Order 2020 \(S.I. 2020/156\)](#), arts. 1, **19(2)**
- C83** S. 89 excluded (14.2.2020) by [The Northamptonshire \(Structural Changes\) Order 2020 \(S.I. 2020/156\)](#), arts. 1, **5(3)**
- C84** S. 89 modified (E.) (7.4.2020) by [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020 \(S.I. 2020/395\)](#), regs. 1, **5**
- C85** S. 89(1) excluded (29.8.2008) by [The Local Government \(Structural Changes\) \(Transitional Arrangements\) Regulations 2008 \(S.I. 2008/2113\)](#), **reg. 13**

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- C86** 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**
- C87** 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)**
- C88** S. 89(3) modified (E.) (7.9.2013) by [The Local Elections \(Ordinary Day of Elections in 2014\) Order 2013 \(S.I. 2013/2277\)](#), arts. 1(1), **4(a)**

90 Term of office of persons filling casual vacancies.

A person elected or appointed under the foregoing provisions of this Act in England or Wales [^{F100}or under Part ^{F101}... IV of the Local Government Act 1985] to fill any casual vacancy ^{F102}... shall hold office until the date upon which the person in whose place he is elected [^{F100}or appointed] would regularly have retired, and he shall then retire.

Textual Amendments

- F100** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 11**
- F101** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), **Sch. 13 Pt. I**
- F102** Words in s. 90 repealed (22.4.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **s. 1(1)**, {Sch. 1 Pt. 10 Group 1}

Modifications etc. (not altering text)

- C89** S. 90 amended by [S.I. 1985/1884](#), arts. 10, 11(3), **Sch. 3 para. 2**
- C90** 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.

- (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 [^{F103}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

- F103** 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)

- C91** 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.

- (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 [^{F104}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.

[^{F105}(7) In this section “local authority” includes a joint authority [^{F106}, an economic prosperity board and a combined authority]^{F107} . . . ; and in relation to a joint authority [^{F108}, an economic prosperity board or a combined 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.]

^{F109}(7A)

^{F109}(7B)

[^{F110}(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

- F104** Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46
- F105** S. 92(7) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 12**
- F106** Words in s. 92(7) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 15(a)**; S.I. 2009/3318, **art. 2(c)**
- F107** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F108** Words in s. 92(7) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 15(b)**; S.I. 2009/3318, **art. 2(c)**
- F109** S. 92(7A)(7B) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(7)(e)**; S.I. 2015/994, **art. 6(g)**
- F110** 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)

- C92** S. 92 applied in part (25.7.2008) by The West Northamptonshire Joint Committee Order 2008 (S.I. 2008/1572), **art. 6(2)**
- C93** S. 92 applied (in part) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), **art. 6(2)**
- C94** S. 92 applied by Water Resources Act 1991 (c. 57, SIF 130), ss. 14, 225(2), **Sch. 4, Pt. I, para. 3(6)**.
- C95** S. 92 extended by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 3(9), **Sch. 1 para. 8(5)**
- C96** S. 92 applied by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 9(5)**
- C97** 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**
- C98** S. 92 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**

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- S. 92: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C99** 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)**
- C100** 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)**
- C101** S. 92 applied in part (1.7.2009) by [The Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), **art. 6(2)**
- C102** S. 92 applied in part (12.10.2009) by [The Central Lincolnshire Joint Strategic Planning Committee Order 2009 \(S.I. 2009/2467\)](#), **art. 6(2)**
- C103** S. 92 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, **Sch. 1**
- C104** S. 92 applied in part (5.7.2011) by [The South East Lincolnshire Joint Strategic Planning Committee Order 2011 \(S.I. 2011/1455\)](#), arts. 1, **6(2)**
- C105** S. 92 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 8, **Sch. 1**
- C106** S. 92(7) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(e)**
- C107** S. 92(7) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(e)**

Restrictions on voting

F111⁹³

Textual Amendments
F111 S. 93 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

F112⁹⁴ **Disability of members of authorities for voting on account of interest in contracts, etc.**

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Textual Amendments
F112 Ss. 94-98 repealed (22.5.2012) by [Local Government Act 2000 \(c. 22\)](#), s. 108(3)(b)(c), **Sch. 5 para. 12, Sch. 6**; [S.I. 2012/1358](#), art. 2

F112⁹⁵ **Pecuniary interests for purposes of section 94.**

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Textual Amendments
F112 Ss. 94-98 repealed (22.5.2012) by [Local Government Act 2000 \(c. 22\)](#), s. 108(3)(b)(c), **Sch. 5 para. 12, Sch. 6**; [S.I. 2012/1358](#), art. 2

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F112 96 General notices and recording of disclosures for purposes of section 94.

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Textual Amendments

F112 Ss. 94-98 repealed (22.5.2012) by [Local Government Act 2000 \(c. 22\)](#), s. 108(3)(b)(c), [Sch. 5 para. 12](#), [Sch. 6](#); [S.I. 2012/1358](#), art. 2

F112 97 Removal or exclusion of disability, etc.

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Textual Amendments

F112 Ss. 94-98 repealed (22.5.2012) by [Local Government Act 2000 \(c. 22\)](#), s. 108(3)(b)(c), [Sch. 5 para. 12](#), [Sch. 6](#); [S.I. 2012/1358](#), art. 2

F112 98 Interpretation of sections 95 and 97.

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Textual Amendments

F112 Ss. 94-98 repealed (22.5.2012) by [Local Government Act 2000 \(c. 22\)](#), s. 108(3)(b)(c), [Sch. 5 para. 12](#), [Sch. 6](#); [S.I. 2012/1358](#), art. 2

Meetings and proceedings

99 Meetings and proceedings of local authorities.

The provisions of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local authorities [^{F113} joint authorities, [^{F114} economic prosperity boards, combined authorities,]^{F115}^{F116} . . .] and their committees, parish meetings and their committees and community meetings.

Textual Amendments

- F113** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 14](#)
- F114** Words in s. 99 inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), [Sch. 6 para. 17](#); [S.I. 2009/3318](#), [art. 2\(c\)](#)
- F115** Words in s. 99 omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 103](#); [S.I. 2011/3019](#), art. 3, [Sch. 1](#) (with [Sch. 2 para. 26](#))
- F116** 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)

- C108** S. 99 amended by [S.I. 1985/1884](#), art. 10, [Sch. 3 para. 1\(g\)](#)
- C109** S. 99 modified by [S.I. 1987/2110](#), art. 2(2), [Sch. 1 para. 3\(g\)](#)

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- C110** S. 99 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
 S. 99: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
- C111** 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)**
- C112** 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**
- C113** S. 99 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C114** S. 99 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**
- C115** S. 99 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**
- C116** S. 99 applied (with modifications) (1.4.2015) by The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (S.I. 2015/435), art. 1(2), **Sch. para. 17**
- C117** S. 99 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**
- C118** S. 99 applied (with modifications) (1.4.2020) by The Hampshire and Isle of Wight Fire and Rescue Authority (Combination Scheme) Order 2020 (S.I. 2020/186), art. 1(2), **Sch. para. 17**

100 Admission of public and press to local authority committee meetings.

- (1) ^{F117}The Public Bodies (Admission to Meetings) Act 1960 (“the 1960 Act”) has effect in relation to meetings of committees of local authorities, subject to subsection (2).]
- (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 ^{F118}. . . 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 ^{F119}or section 100E(3)(a) or (b) below (whether or not by virtue of section 100J below)].
- (3) ^{F120}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.]

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Textual Amendments

- F117** S. 100(1) substituted (temp.) (W.) (22.4.2020) by virtue of [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020](#) (S.I. 2020/442), regs. 1(3), **20(2)(a)** (with reg. 19)
- F118** 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
- F119** Words added by [Local Government \(Access to Information\) Act 1985](#) (c. 43, SIF 81:1, 2), s. 3, **Sch. 2 para. 6(1)(b)**
- F120** S. 100(3) omitted (temp.) (W.) (22.4.2020) by virtue of [The Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020](#) (S.I. 2020/442), regs. 1(3), **20(2)(b)** (with reg. 19)

Modifications etc. (not altering text)

- C119** S. 100 applied (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.
S. 100: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), arts. 6, 8, **Sch. 1**.
- C120** 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](#))
- C121** S. 100 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011](#) (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C122** S. 100 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017](#) (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**

Marginal Citations

- M2** [1960 c. 67](#).

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