



Local Government Act 1972

1972 CHAPTER 70

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

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 [^{F1}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—

Status: Point in time view as at 26/12/2023.

Changes to legislation: Local Government Act 1972, Cross Heading: Proceedings for disqualification is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

[^{F2}(7) In this section “local authority” includes a joint authority [^{F3}, an economic prosperity board [^{F4}, a combined authority and a combined county authority]]^{F5} ... ; and in relation to a joint authority [^{F6}, an economic prosperity board [^{F7}, a combined authority or a combined county 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.]

[^{F8}(7A) This section applies to a corporate joint committee as it applies to a local authority and, in relation to a corporate joint committee, the reference in subsection (1) to a local government elector for the area concerned is to be construed as a reference to a local government elector for any local government area in the area specified as the corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.]

^{F9}(7B)

[^{F10}(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	
F1	Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1) , ss. 38, 46
F2	S. 92(7) inserted by Local Government Act 1985 (c. 51, SIF 81:1) , s. 84, Sch. 14 Pt. I para. 12

Status: Point in time view as at 26/12/2023.

Changes to legislation: Local Government Act 1972, Cross Heading: Proceedings for disqualification is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F3** 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)**
- F4** Words in s. 92(7) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 28(a)** (with s. 247)
- F5** Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. 1**
- F6** 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)**
- F7** Words in s. 92(7) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 28(b)** (with s. 247)
- F8** S. 92(7A) re-inserted (25.3.2022) by The Corporate Joint Committees (General) (Wales) Regulations 2022 (S.I. 2022/372), regs. 1(2), 4
- F9** 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)
- F10** 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)

- C1** S. 92 applied in part (25.7.2008) by The West Northamptonshire Joint Committee Order 2008 (S.I. 2008/1572), **art. 6(2)**
- C2** S. 92 applied (in part) by The Luton and South Bedfordshire Joint Committee Order 2007 (S.I. 2007/1412), **art. 6(2)**
- C3** S. 92 applied by Water Resources Act 1991 (c. 57, SIF 130), ss. 14, 225(2), **Sch. 4, Pt. 1, para. 3(6)**.
- C4** S. 92 extended by Land Drainage Act 1976 (c. 70, SIF 73:1), s. 3(9), **Sch. 1 para. 8(5)**
- C5** S. 92 applied by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 9(5)**
- C6** 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**
- C7** 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**
- C8** 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)**
- C9** 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)**
- C10** S. 92 applied in part (1.7.2009) by The Cambridge City Fringes Joint Committee Order 2009 (S.I. 2009/1254), **art. 6(2)**
- C11** 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)**
- C12** 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**
- C13** 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)**

Status: Point in time view as at 26/12/2023.

Changes to legislation: Local Government Act 1972, Cross Heading: Proceedings for disqualification is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C14** 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**
- C15** S. 92(7) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(e)**
- C16** S. 92(7) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(e)**

Status:

Point in time view as at 26/12/2023.

Changes to legislation:

Local Government Act 1972, Cross Heading: Proceedings for disqualification is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.