



Local Government Act 1972

1972 CHAPTER 70

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Acceptance, resignation and vacation of office, and casual vacancies

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 [^{F1}under the Audit Commission Act 1998 or by virtue of a] conviction, on the expiration of the ordinary period allowed for making an appeal or application with respect to the [^{F2}relevant order or decision under that Act or (as the case may be) that] conviction or, if an appeal or application is made, on the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;
 - (e) in the case of an election being declared void on an election petition, on the date of the report or certificate of the election court;
 - [^{F3}(e)] in the case of a disqualification under section ^{F4}... 79 of the Local Government Act 2000 [^{F5}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 [^{F6}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;]

Status: Point in time view as at 22/11/2012. This version of this provision has been superseded.

Changes to legislation: Local Government Act 1972, Section 87 is up to date with all changes known to be in force on or before 27 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)

(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 ^{F7}(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

^{F8}(g)

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

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

^{F9}(3)

Textual Amendments

- F1** Words in s. 87(1)(d) substituted (11.9.1998) by 1998 c. 18, ss. 54(1), 55(2), **Sch. 3 para. 3(3)(a)**
- F2** Words in s. 87(1)(d) substituted (11.9.1998) by 1998 c. 18, **ss. 54(1)** 55(2), Sch. 3 para. 3(3)(b)
- F3** 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**
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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**
- F8** S. 87(1)(g) repealed by S.I. 1977/1710, **art. 3(c)**
- F9** 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)

- C1** 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**
- C2** 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)

Status:

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