



# Local Government Act 2000

## 2000 CHAPTER 22

### [<sup>F1</sup>PART 1A

#### ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

### [<sup>F1</sup>CHAPTER 5

#### SUPPLEMENTARY

##### Textual Amendments

- F1** Pt. 1A inserted (3.12.2011 for specified purposes, 15.1.2012 for the insertion of Pt. 1A Ch. 4 so far as not already in force and ss. 9B, 9C and 9R for specified purposes, 9.3.2012 for the insertion of ss. 9H-9HE in so far as not already in force and s. 9R for specified purposes, 4.5.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/57, art. 4(1)(b) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 2(a); S.I. 2012/1008, art. 4(b)

#### *Local authority constitution*

### **9P Local authority constitution**

- (1) A local authority must prepare and keep up to date a document (referred to in this section as its constitution) which contains—
- a copy of the authority's standing orders for the time being,
  - a copy of the authority's code of conduct (if any) for the time being under section 28 of the Localism Act 2011,
  - such information as the Secretary of State may direct, and
  - such other information (if any) as the authority considers appropriate.

*Status: Point in time view as at 26/10/2022.*

*Changes to legislation: Local Government Act 2000, CHAPTER 5 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)*

- (2) In the case of a committee system local authority, the authority's constitution must also contain a statement as to whether the authority has resolved to have an overview and scrutiny committee under section 9JA.
- (3) A local authority must ensure that copies of its constitution are available at its principal office for inspection by members of the public at all reasonable hours.
- (4) A local authority must supply a copy of its constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

### *Guidance*

#### **9Q      Guidance**

- (1) A local authority must have regard to any guidance for the time being issued by the Secretary of State for the purposes of this Part.
- (2) Guidance under this section may make different provision for different cases or descriptions of local authority.

### *Interpretation*

#### **9R      Interpretation of Part 1A**

- (1) In this Part, unless the context otherwise requires—
  - “committee system” has the meaning given by section 9B,
  - “committee system local authority” has the meaning given by section 9J(3),
  - “elected mayor” has the meaning given by section 9H,
  - “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983,
  - “enactment” includes an enactment contained in a local Act or comprised in subordinate legislation (within the meaning of the Interpretation Act 1978),
  - “executive”, in relation to a local authority, is to be construed in accordance with section 9C,
  - “executive arrangements” has the meaning given by section 9B,
  - “executive leader” has the meaning given by section 9C(3)(a),
  - F2  
...
  - “leader and cabinet executive (England)” has the meaning given by section 9C(3),
  - “local authority” means a county council in England, a district council or a London borough council,
  - “local government elector” has the meaning given by section 270(1) of the Local Government Act 1972,
  - “mayor and cabinet executive” has the meaning given by section 9C(2),
  - “ordinary day of election”, in relation to a local authority, means the day of ordinary elections of councillors of the authority,
  - “the political balance requirements” means the provisions made by or under sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989,

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“prescribed arrangements” has the meaning give by section 9B, and

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...

- (2) In this Part “relevant election years”, in relation to a local authority, means the years specified in the second column of the following table in relation to that type of authority.

<i>Type of local authority</i>	<i>Relevant election years</i>
Metropolitan district	2014 and every fourth year afterwards
County	2013 and every fourth year afterwards
London borough	2014 and every fourth year afterwards
Non-metropolitan district	2011 and every fourth year afterwards

- (3) Any reference in this Part to the chairman of a local authority—
- is a reference to that person whether or not the person is entitled to another style, and
  - in the case of a London borough, is a reference to the person who (disregarding paragraphs 5B to 5I of Schedule 2 to the Local Government Act 1972) is referred to in Part 1 of that Schedule as the mayor of the borough.
- (4) Any reference in this Part to the vice-chairman of a local authority—
- is a reference to that person whether or not the person is entitled to another style, and
  - in the case of a London borough, is a reference to the person who (disregarding paragraphs 5B to 5I of Schedule 2 to the Local Government Act 1972) is referred to in Part 1 of that Schedule as the deputy mayor.
- (5) Any reference in this Part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- (6) Section 101 of the Local Government Act 1972 does not apply to the function of the passing of a resolution under any provision made by or under this Part.
- (7) Any functions conferred on a local authority by virtue of this Part are not to be the responsibility of an executive of the authority under executive arrangements.
- (8) Any directions given by the Secretary of State under any provision of this Part—
- may be varied or revoked by subsequent directions given by the Secretary of State under that provision, and
  - may make different provision for different cases, different local authorities or different descriptions of local authority.]

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#### Textual Amendments

**F2** Words in s. 9R(1) omitted (26.10.2022) by virtue of [Elections Act 2022 \(c. 37\)](#), **ss. 13(10)**, 67(1); S.I. 2022/1093, reg. 2 (with reg. 3)

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