



# Local Government Act 1972

## 1972 CHAPTER 70

### PART I

#### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN ENGLAND

##### Extent Information

**E1** Part I (ss. 1-19) extends to England only: see [s. 19](#)

#### *New local government areas*

### **1 New local government areas in England.**

- (1) For the administration of local government on and after 1st April 1974 England (exclusive of Greater London and the Isles of Scilly) shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts.
- (2) The counties shall be the metropolitan counties named in Part I and the non-metropolitan counties named in Part II of Schedule 1 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in column 2 of each Part of that Schedule.
- (3) The districts in the metropolitan counties shall be those respectively specified in column 2 of the said Part I and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in that column, and the Secretary of State may by order provide a name for any such district.
- (4) The districts in the non-metropolitan counties shall be those respectively specified in one or more orders made by the Secretary of State under paragraph 1 of Schedule 3 to this Act and having the names given to them by one or more orders so made.

**Status:** Point in time view as at 01/11/2007. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Local Government Act 1972, Part I is up to date with all changes known to be in force on or before 28 April 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)

- (5) Part III of Schedule 1 to this Act shall have effect in relation to the boundaries of the new local government areas.
- (6) Subject to Part IV of Schedule 1 to this Act and to any provision corresponding to that Part made by an order under section 254 below, the rural parishes existing immediately before 1st April 1974 shall continue to exist on and after that date by the name of parishes.
- (7) The said Part IV shall have effect with respect to the existing rural parishes which by virtue of this Act are comprised in more than one county or more than one metropolitan district.
- (8) Part V of Schedule 1 to this Act shall have effect for the purpose of constituting parishes the boundaries of which are determined by reference to those of existing boroughs and urban districts and also, in cases where the areas of such boroughs and urban districts are divided by or under this section between two or more new districts, by reference to the boundaries of the new districts.
- (9) The boroughs which by virtue of section 141 of the 1933 Act or section 28 of the <sup>M1</sup>Local Government Act 1958 are included in rural districts immediately before the passing of this Act shall on the passing of this Act become parishes without ceasing to be boroughs, but shall cease to be boroughs on 1st April 1974.
- (10) On that date the following local government areas existing immediately before that date outside Greater London and the Isles of Scilly, that is to say, all administrative counties, boroughs (except those in rural districts), urban districts, rural districts and urban parishes, shall cease to exist and the council of every such area which has a council shall also cease to exist.
- (11) On that date the municipal corporation of every borough outside Greater London (and the corporation of a borough included in a rural district) shall cease to exist.
- (12) In this section “England” does not include the administrative county of Monmouthshire or the county borough of Newport.

#### Marginal Citations

M1 1958 c. 55.

### *Principal councils*

## 2 Constitution of principal councils in England.

- (1) For every [<sup>F1</sup>non-metropolitan] county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
  - (2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
- [<sup>F2</sup>(2A) Where a council mentioned in subsection (1) or (2) above are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and councillors.]

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- (3) Each council mentioned in subsection (1) or (2) above shall be a body corporate by the name “The County Council” or “The District Council”, as the case may be, with the addition of the name of the particular county or district.

#### Textual Amendments

- F1** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 2](#)  
**F2** S. 2(2A) inserted (26.10.2000) by [2000 c. 22, ss. 46, 108\(4\)](#), [Sch. 3 para. 1\(1\)\(2\)](#); S.I. 2000/2849, [art. 2\(e\)](#)

#### Modifications etc. (not altering text)

- C1** S. 2(1) excluded (1.4.1996) by [S.I. 1995/493](#), [arts. 1, 6\(2\)](#)  
S. 2(1) excluded (1.4.1996) by [S.I. 1995/610](#), [arts. 1, 4\(2\)](#)  
S. 2(1) excluded (1.4.1996) by [S.I. 1995/1747](#), [arts. 1\(2\), 3\(2\)-\(6\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1769](#), [arts. 1, 8\(3\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1770](#), [arts. 1, 5\(3\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1771](#), [arts. 1, 8\(4\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1772](#), [arts. 1, 8\(3\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1773](#), [arts. 1, 8\(3\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1774](#), [arts. 1, 8\(3\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1775](#), [arts. 1, 8\(4\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1776](#), [arts. 1, 8\(3\)](#)  
S. 2(1) excluded (1.4.1997) by [S.I. 1995/1779](#), [arts. 1, 3\(3\)](#)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1863](#), [arts. 1, 6\(4\)](#)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1865](#), [arts. 1, 6\(4\)](#)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1866](#), [arts. 1, 6\(3\)](#)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1867](#), [arts. 1, 5\(3\)](#)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1868](#), [arts. 1, 6\(4\)](#)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1875](#), [arts. 1, 6\(4\)](#)  
S. 2(1) excluded (1.4.1998) by [S.I. 1996/1876](#), [arts. 1, 5\(3\)](#)  
S. 2(1) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by [S.I. 1996/1867](#), [art. 20](#)  
**C2** S. 2(2) applied (with modifications) (*temp.* from 8.5.1995 to 31.3.1996) by [S.I. 1995/493](#), [art. 18\(a\)](#)  
S. 2(2) applied (with modifications) (*temp.* from 8.5.1995 to 31.3.1996) by [S.I. 1995/610](#), [art. 15\(a\)](#)  
S. 2(2) applied (with modifications) (*temp.* from 6.5.1996 to 31.3.1997) by [S.I. 1995/1770](#), [art. 16\(a\)](#)  
S. 2(2) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by [S.I. 1996/1867](#), [art. 20](#)  
S. 2(2) applied (with modifications) (*temp.* from 5.5.1997 to 31.3.1998) by [S.I. 1996/1876](#), [art. 13\(a\)](#)

### *Members of principal councils*

#### **3 Chairman.**

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.

[<sup>F3</sup>(1A) A member of the executive of a principal council may not be elected as the chairman of the council.]

- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.

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(4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.

[<sup>F4</sup>(4A) Subsection (4) above shall have effect in relation to a district council which are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive as if it provided for the elected mayor of the council to have precedence in the district, but this subsection shall not apply if the executive arrangements provide for it not to apply.]

(5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

#### Textual Amendments

**F3** S. 3(1A) inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 2(1)(2)**; S.I. 2000/2849, **art. 2(e)**

**F4** S. 3(4A) inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 2(1)(3)**; S.I. 2000/2849, **art. 2(e)**

#### 4 Election of chairman.

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.
- (2) If, apart from section 3(3) above or section 5(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

#### 5 Vice-chairman.

- (1) A principal council shall appoint a member of the council to be vice-chairman of the council.

[<sup>F5</sup>(1A) A member of the executive of a principal council may not be appointed as the vice-chairman of the council.]

- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

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#### Textual Amendments

**F5** S. 5(1A) inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 3(1)(2)**; S.I. 2000/2849, **art. 2(e)**

#### Modifications etc. (not altering text)

**C3** S. 5 applied (28.3.2008) by **The Bedfordshire (Structural Changes) Order 2008 (S.I. 2008/907)**, **art. 20(6)**

**C4** S. 5 applied (5.3.2008) by **The Cheshire (Structural Changes) Order 2008 (S.I. 2008/634)**, **art. 9(8)**

## 6 Term of office and retirement of councillors.

(1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the [<sup>F6</sup>Representation of the People Act 1983].

(2) For the purposes of the election of councillors—

- (a) every [<sup>F7</sup>non-metropolitan] county shall be divided into electoral divisions, each returning (subject to paragraph 3 of Schedule 3 to this Act [<sup>F8</sup>and subject to sections 14(8) and 17(7) of the Local Government Act 1992 [<sup>F9</sup>and section 12(4) of the Local Government and Public Involvement in Health Act 2007]]) one councillor;
- (b) every metropolitan district shall be divided into wards, each returning a number of councillors which is divisible by three; and
- (c) every non-metropolitan district shall be divided into wards, each returning such number of councillors as may be provided [<sup>F10</sup>as mentioned in subsection (3) below];

and there shall be a separate election for each electoral division or ward.

[<sup>F11</sup>(3) The number of councillors referred to in subsection (2)(c) above may be provided—

- (a) by an order under paragraph 3 of Schedule 3 to this Act;
- (b) under or by virtue of the provisions of section 7 below;
- (c) by an order under Part II of the Local Government Act 1992; or
- (d) by an order under section 14 of the Local Government and Rating Act 1997.]

#### Textual Amendments

**F6** Words substituted by **Representation of the People Act 1983 (c. 2, SIF 42)**, s. 206, **Sch. 8 para. 12**

**F7** Word inserted by **Local Government Act 1985 (c. 51, SIF 81:1)**, ss. 1, 102, **Sch. 16 para. 2**

**F8** Words in s. 6(2)(a) inserted (28.9.2000) by 2000 c. 22, **ss. 89(4), 108(2)(a)**

**F9** Words in s. 6(2)(a) inserted (1.11.2007) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, ss. 22, 245, **Sch. 1 para. 11(2)**; S.I. 2007/3136, **art. 2** (subject to art. 3)

**F10** Words in s. 6(2)(c) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 5(a)**

**F11** S. 6(3) added (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 5(b)**

#### Modifications etc. (not altering text)

**C5** S. 6(2)(a) excluded (1.11.2007) by **Local Government and Public Involvement in Health Act 2007 (c. 28)**, **ss. 12(4), 245**; S.I. 2007/3136, **art. 2(a)** (subject to art. 3)

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## 7 Elections of councillors.

- (1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (2) The ordinary elections of metropolitan district councillors shall take place in 1973, 1975 and every year thereafter other than [<sup>F12</sup>1977 and every fourth year thereafter].
- (3) Subject to paragraph 4 of Schedule 3 to this Act, the term of office of metropolitan district councillors shall be four years and one-third of the whole number of councillors in each ward of a metropolitan district, being those who have been councillors for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1975 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (4) Subject to subsection (5) below, a non-metropolitan district council may in pursuance of the requisite resolution request the Secretary of State to provide—
  - (a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously; or
  - (b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year;

indicating in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection “the requisite resolution” means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

- (5) A resolution may not be passed under subsection (4) above within ten years of a previous resolution thereunder.
- (6) Where the Secretary of State receives a request under subsection (4)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (4)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under [<sup>F13</sup>section 17 of the Local Government Act 1992].
- (7) [<sup>F14</sup>Where the Secretary of State receives a request under subsection (4)(b) above from a district council he may [<sup>F15</sup>direct the Local Government Commission for England to conduct a review and make recommendations] in the light of the request with respect to—
  - (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward;
  - (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;

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[<sup>F16</sup>and the provisions of Part II of the Local Government Act 1992 shall apply accordingly].]

- (8) The ordinary elections of non-metropolitan district councillors shall take place—
- (a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter; and
  - (b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.
- (9) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to non-metropolitan district councillors:—
- (a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter;
  - (b) except where an order is in force providing for the election of councillors by thirds, the whole number of councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire; and
  - (c) where such an order is in force, one-third of the whole number of councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

#### Textual Amendments

- F12** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 3](#)
- F13** Words in s. 7(6) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [Sch. 3 para. 7\(1\)](#); [S.I. 1992/2371](#), [art. 2](#)
- F14** S. 7(7) repealed (1.8.2002) by virtue of [The Local Government Commission for England \(Winding-up\) Order 2002 \(S.I. 2002/1723\)](#), art. 3, [Sch.](#)
- F15** Words in s. 7(7) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [Sch. 3 para. 7\(2\)\(a\)](#); [S.I. 1992/2371](#), [art. 2](#)
- F16** Words in s. 7(7) substituted (31.10.1992) by [Local Government Act 1992 \(c. 19\)](#), s. 27(1), [sch. 3 para. 7\(2\)\(b\)](#); [S.I. 1992/2371](#), [art. 2](#)

#### Modifications etc. (not altering text)

- C6** S. 7 excluded (12.4.1994) by [S.I. 1994/867](#), [reg. 6\(3\)](#)

## 8 Constitution and membership of Greater London Council and London borough councils.

- (1) Sections 2 to 7 above shall not apply to <sup>F17</sup>. . . London borough councils but, subject to subsection (2) below, the provisions of Schedule 2 to this Act shall have effect in relation to them instead.

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- (2) The Secretary of State may by order make such modifications of sub-paragraphs (2) and (3) of paragraph 6 of Schedule 2 to this Act as appear to him to be appropriate for all or any of the following purposes—
  - <sup>F18</sup>(a) .....
  - (b) to secure that ordinary elections of London borough councillors are held in years in which ordinary elections of metropolitan district councillors are held, and
  - (c) to secure that provisions corresponding to section 7(3) above apply to the retirement of London borough councillors.
- (3) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

**Textual Amendments**  
**F17** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)  
**F18** [S. 8\(2\)\(a\)](#) repealed by [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), [s. 2\(4\)](#)

*Parishes*

**9 Parish meetings and councils.**

- (1) For every parish there shall be a parish meeting for the purpose of discussing parish affairs and exercising any functions conferred on such meetings by any enactment and, subject to the provisions of this Act or any instrument made thereunder, for every parish or group of parishes having a parish council before 1st April 1974 there shall continue to be a parish council.
- <sup>F19</sup>(2) .....
- <sup>F20</sup>(3) .....
- (4) Subject to any order under [<sup>F21</sup>section 10 or 11 below [<sup>F22</sup>Part II of the Local Government Act 1992 or section 14 of the Local Government and Rating Act 1997,]], there shall be a separate parish council for—
  - (a) every parish which immediately before the passing of this Act was a borough included in a rural district;
  - (b) every parish which immediately before the passing of this Act was co-extensive with a rural district;
  - (c) every parish established by paragraph 1 of Part IV of Schedule 1 to this Act;
  - (d) every parish to which part of another parish is added by paragraph 2 of the said Part IV and which immediately before the passing of this Act had no parish council; and
  - (e) every parish constituted under Part V of Schedule 1 to this Act.
- <sup>F23</sup>(5) .....
- (6) An order shall not be made under [<sup>F24</sup>section 16 of the Local Government and Rating Act 1997] establishing a separate parish council for a parish grouped under a common parish council unless by that order or an order under section 11(4) below the parish is separated from the group or the group is dissolved, and where the group is not



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dissolved, the order under [F25 section 16 of the Act of 1997] shall make such provision as appears to the district council to be necessary for the alteration of the parish council of the group.

#### Textual Amendments

- F19** S. 9(2) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(c)**)
- F20** S. 9(3) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(a)**)
- F21** Words in s. 9(4) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), **Sch. 3 para. 8**; S.I. 1992/2371, **art. 2**
- F22** Words in s. 9(4) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(3)**
- F23** S. 9(5) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(c)**)
- F24** Words in s. 9(6) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(4)(a)**
- F25** Words in s. 9(6) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(4)(b)**

#### Modifications etc. (not altering text)

- C7** S. 9 excluded by S.I. 1979/1123, **art. 4(2)**

## 10 Power to dissolve parish councils in small parishes.

- (1) Where the population of a parish having a separate parish council includes not more than 150 local government electors, the parish meeting may apply to the district council for the dissolution of the parish council, and thereupon the district council may by order dissolve the parish council.
- (2) Where an application under this section by a parish meeting is rejected, another such application may not be presented by that meeting within two years from the making of the previous application.

#### Modifications etc. (not altering text)

- C8** S. 10: functions of local authority not to be responsibility of an executive of the authority (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1**
- S. 10 excluded (7.8.2000 for specified purposes otherwise 26.10.2000) by 2000 c. 22, **ss. 11(10)**, 108(4); S.I. 2000/2187, **art. 2(b)**; S.I. 2000/2849, **art. 2(b)**

## 11 Orders for grouping parishes, dissolving groups and separating parishes from groups.

- (1) The parish meeting of a parish may apply to the district council for an order grouping the parish with some neighbouring parish or parishes in the same district under a common parish council or by adding the parish to an existing group of such parishes under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.
- (2) Parishes shall not be grouped without the consent of the parish meeting of each of the parishes.
- (3) A grouping order shall make the necessary provision—

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*Changes to legislation:* Local Government Act 1972, Part I is up to date with all changes known to be in force on or before 28 April 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) for the name of the group;
- (b) for the election in accordance with this Act and Part I of the [<sup>F26</sup>Representation of the People Act 1983] of separate representatives on the parish council for each parish or for the wards of any parish or, in the case of an order which adds a parish to the group, for that parish or for the wards of that parish;
- (c) for the application to the parishes included in the group of all or any of the provisions of [<sup>F27</sup>section 79 of the Charities Act 1993](parochial charities) and of any of the provisions of this Act with respect to the custody of parish documents, so as to preserve the separate rights of each parish;
- (d) for the dissolution of the separate parish council of any parish included in the group,

and the order may provide for the consent of the parish meeting of a parish being required to any particular act of the parish council, and for any necessary adaptations of this Act to the group of parishes or to the parish meetings of the parishes in the group.

- (4) The district council may on the application of the council of a group of parishes or of the parish meeting of any parish included in a group of parishes make an order dissolving the group or separating one or more of those parishes from the group, and an order so made shall make such provision as appears to the district council to be necessary for the election of a parish council for any of the parishes in the group, where it is dissolved, and for any of the parishes separated from the group, where it is not.
- (5) Parishes grouped under a common parish council before 1st April 1974 and situated in different districts on and after that date shall, notwithstanding that they are so situated, continue to be grouped under that council—
  - (a) unless an order is made under <sup>F28</sup> . . . subsection (4) above or [<sup>F29</sup>Part II of the Local Government Act 1992][<sup>F30</sup>or section 16 of the Local Government and Rating Act 1997] dissolving the group; or
  - (b) except so far as such an order separates one or more of the parishes from the group;

and any order under [<sup>F31</sup>subsection (4) above or section 16 of the Local Government and Rating Act 1997] in relation to any parishes so situated shall be made by the district councils concerned acting jointly.

#### Textual Amendments

- F26** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)
- F27** Words in s. 11(3)(c) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), [Sch. 6 para. 12\(2\)](#)
- F28** Words in s. 11(5) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), [Sch. 3 para. 7\(a\)](#) (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), [Sch. 4](#); S.I. 1998/694, [art. 2\(c\)](#))
- F29** Words in s. 11(5)(a) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), [Sch. 3 para. 9](#); S.I. 1992/2371, [art. 2](#)
- F30** Words in s. 11(5)(a) inserted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), [Sch. 3 para. 7\(b\)](#)
- F31** Words in s. 11(5) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), [Sch. 3 para. 7\(c\)](#)

#### Modifications etc. (not altering text)

- C9** S. 11 excluded by [S.I. 1979/1123](#), [art. 4\(2\)](#)  
 S. 11: functions of local authority not to be responsibility of an executive of the authority (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)

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VALID FROM 13/02/2008

### **[<sup>F32</sup>11A Grouping: alternative styles**

- (1) An order under section 11(1) which forms a new group may make the provision set out in subsection (3).
- (2) But the order must make that provision in either of these cases—
  - (a) if at least one of the parishes which is to be grouped does not have an alternative style, and at least one of them does have an alternative style;
  - (b) if at least one of the parishes which is to be grouped has an alternative style, and at least one of them has a different alternative style.
- (3) The provision referred to in subsections (1) and (2) is—
  - (a) provision that each of the parishes in the group shall have an alternative style, or
  - (b) provision that each of the parishes in the group which has an alternative style shall cease to have an alternative style.
- (4) Provision made by virtue of subsection (3)(a)—
  - (a) must provide for each of the parishes to have the same alternative style;
  - (b) may provide for each of the parishes to have an alternative style which any of them already has;
  - (c) has the effect that each parish in the new group shall cease to have any different alternative style which it had before the provision was made.
- (5) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (6) if—
  - (a) the parishes in the group do not have an alternative style, and
  - (b) at least one of the parishes which is to be added has an alternative style.
- (6) The provision referred to in subsection (5) is provision that each added parish which has an alternative style shall cease to have an alternative style.
- (7) An order under section 11(1) which adds one or more parishes to an existing group must make the provision set out in subsection (8) if—
  - (a) the parishes in the group have an alternative style, and
  - (b) at least one of the parishes which is to be added—
    - (i) has a different alternative style, or
    - (ii) does not have any of the alternative styles.
- (8) The provision referred to in subsection (7) is provision that each added parish shall (if it does not already have the style) have the same alternative style as the parishes already in the group.
- (9) If an order makes provision under subsection (1) or (2) for parishes to have an alternative style, the group shall have the appropriate one of the following styles—
  - (a) “group of communities”;
  - (b) “group of neighbourhoods”;
  - (c) “group of villages”.

*Status: Point in time view as at 01/11/2007. This version of this part contains provisions that are not valid for this point in time.*

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- (10) As soon as practicable after making an order which includes any provision under this section, the council which makes the order must give notice of the change of style to all of the following—
- (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any district council or county council within whose area the parish lies.]

#### Textual Amendments

**F32** Ss. 11A, 11B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(2\)](#), 245(5); S.I. 2008/337, [art. 2\(a\)](#)

VALID FROM 13/02/2008

#### [<sup>F32</sup>11B De-grouping: alternative styles

- (1) This section applies if—
- (a) the parishes in a group of parishes have an alternative style, and
  - (b) an order under section 11(4) dissolves the group or separates one or more parishes from the group.
- (2) The order under section 11(4) must provide for each de-grouped parish to continue to have the alternative style.
- (3) In subsection (2) “de-grouped parish” means—
- (a) in the case of dissolution of the group, each parish in the group;
  - (b) in the case of separation of one or more parishes from the group, each parish that is separated.]

#### Textual Amendments

**F32** Ss. 11A, 11B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(2\)](#), 245(5); S.I. 2008/337, [art. 2\(a\)](#)

## 12 Provision supplementary to sections 9 to 11.

- (1) An order made by a district council or district councils under section <sup>F33</sup> . . . 10 or 11 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council or district councils to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.

**Status:** Point in time view as at 01/11/2007. This version of this part contains provisions that are not valid for this point in time.

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- (2) When any such order is made, [<sup>F34</sup> section 16 of the Local Government and Public Involvement in Health Act 2007 (agreements about incidental matters) shall apply as if—
- (i) the reference in subsection (1) to an order under section 7 or 10 of that Act were to an order under section 10 or 11 of this Act; and
  - (ii) the reference in subsection (5)(b) to any order or regulations under Chapter 1 of Part 1 of that Act were to an order under section 10 or 11 of this Act.]
- (3) Two copies of every [<sup>F35</sup>order under section 10 or 11 above] shall be sent to the Secretary of State.

#### Textual Amendments

- F33** Word in s. 12(1) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 8** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(e)**)
- F34** Words in s. 12(2) substituted (1.11.2007) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. 22, 245, **Sch. 1 para. 11(3)(a)**; S.I. 2007/3136, **art. 2** (subject to **art. 3**)
- F35** Words in s. 12(3) substituted (1.11.2007) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. 22, 245, **Sch. 1 para. 11(3)(b)**; S.I. 2007/3136, **art. 2** (subject to **art. 3**)

VALID FROM 13/02/2008

#### [<sup>F36</sup>12A Parishes: alternative styles

- (1) This section applies to a parish which is not grouped with any other parish.
- (2) The appropriate parish authority may resolve that the parish shall have one of the alternative styles.
- (3) If the parish has an alternative style, the appropriate parish authority may resolve that the parish shall cease to have that style.
- (4) A single resolution may provide for a parish—
  - (a) to cease to have an alternative style, and
  - (b) to have another of the alternative styles instead.
- (5) As soon as practicable after passing a resolution under this section, the appropriate parish authority must give notice of the change of style to all of the following—
  - (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any district council, county council or London borough council within whose area the parish lies.
- (6) In this section “appropriate parish authority” means—
  - (a) the parish council, or
  - (b) if the parish does not have a parish council, the parish meeting.]

*Status: Point in time view as at 01/11/2007. This version of this part contains provisions that are not valid for this point in time.*

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### Textual Amendments

**F36** Ss. 12A, 12B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(3\)](#), 245(5); S.I. 2008/337, [art. 2\(a\)](#)

VALID FROM 13/02/2008

### [<sup>F36</sup>12B Groups of parishes: alternative styles

- (1) This section applies to a group of parishes.
- (2) The common parish council of the group may resolve that each of the grouped parishes shall have the same alternative style.
- (3) If each of the grouped parishes has an alternative style, the common parish council of the group may resolve that each of the grouped parishes shall cease to have that style.
- (4) A single resolution may provide for each of the grouped parishes—
  - (a) to cease to have an alternative style, and
  - (b) to have the same one of the other alternative styles instead.
- (5) If the common parish council passes a resolution under this section for each of the grouped parishes to have an alternative style, the group of parishes shall have the appropriate one of the following styles—
  - (a) “group of communities”;
  - (b) “group of neighbourhoods”;
  - (c) “group of villages”.
- (6) As soon as practicable after passing a resolution under this section, the common parish council of a group must give notice of the change of style to all of the following—
  - (a) the Secretary of State;
  - (b) the Electoral Commission;
  - (c) the Office of National Statistics;
  - (d) the Director General of the Ordnance Survey;
  - (e) any district council, county council or London borough council within whose area the group lies.]

### Textual Amendments

**F36** Ss. 12A, 12B inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(3\)](#), 245(5); S.I. 2008/337, [art. 2\(a\)](#)

## 13 Constitution of parish meeting, etc.

- (1) The parish meeting of a parish shall consist of the local government electors for the parish.

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- (2) Any act of a parish meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting, or, if an instrument under seal is required, by an instrument signed by those persons and sealed with the seal of the parish council in the case of a parish having a separate parish council or the parish trustees in any other case, if that council or those trustees have a seal, or, if they do not, with the seals of those persons.
- (3) In a parish not having a separate parish council the chairman of the parish meeting and the proper officer of the district council shall be a body corporate by the name of “the Parish Trustees” with the addition of the name of the parish.
- (4) The parish trustees of a parish shall act in accordance with any directions given by the parish meeting.
- (5) Notwithstanding anything in any rule of law the parish trustees need not have a common seal, but where they have no seal any act of theirs which requires to be signified by an instrument under seal may be signified by an instrument signed and sealed by the persons who are the parish trustees.

#### **14 Constitution and powers of parish council.**

- (1) A parish council shall consist of the chairman and parish councillors and shall have all such functions as are vested in the council by this Act or otherwise.
- (2) The parish council shall be a body corporate by the name “The Parish Council” with the addition of the name of the particular parish.
- (3) Notwithstanding anything in any rule of law, a parish council need not have a common seal, but where a parish council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

#### **15 Chairman and vice-chairman of parish council or meeting.**

- (1) The chairman of a parish council shall be elected annually by the council from among the councillors.
- (2) The election of a chairman shall be the first business transacted at the annual meeting of the parish council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the parish council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (5) A parish council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.
- (6) The parish council may appoint a member of the council to be vice-chairman of the council.

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- (7) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council.
- (8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of parish councillors.
- (9) Subject to any standing orders made by the parish council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.
- (10) In a parish not having a separate parish council, the parish meeting shall, subject to any provisions of a grouping order, at their annual assembly elect a chairman for the year who shall continue in office until his successor is elected.

## 16 Parish councillors.

- (1) The number of parish councillors for each parish [<sup>F37</sup>shall not be less than five.]
- (2) Parish councillors shall be elected by the local government electors for the parish in accordance with this Act and Part I of the [<sup>F38</sup>Representation of the People Act 1983].
- (3) Subject to any provision included in an order by virtue of section 67 below and to the provisions of paragraphs 12 and 13 of Schedule 3 to this Act, the ordinary elections of parish councillors shall take place in 1976, 1979 and every fourth year thereafter, their term of office shall be three years in the case of those elected at the ordinary elections in 1976 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of parish councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and the newly elected councillors shall come into office on the day on which their predecessors retire.
- (4) Where a parish is not divided into parish wards there shall be one election of parish councillors for the whole parish.
- (5) Where a parish is divided into parish wards there shall be a separate election of parish councillors for each ward.

### Textual Amendments

**F37** Words in s. 16(1) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 9**

**F38** Words substituted by **Representation of the People Act 1983** (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**

### Modifications etc. (not altering text)

**C10** S. 16(3): power to exclude and modify conferred (19.5.1997) by 1997 c. 29, **ss. 23(7)(a), 34(2)** (with s. 25)

S. 16(3) excluded (1.4.1999) by **S.I. 1999/545, reg. 11(3)**



**Status:** Point in time view as at 01/11/2007. This version of this part contains provisions that are not valid for this point in time.  
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VALID FROM 01/04/2008

**[<sup>F39</sup>16A Appointed councillors**

- (1) A parish council may appoint persons to be councillors of the council.
- (2) The Secretary of State may by regulations make provision about—
  - (a) the appointment of persons under this section;
  - (b) the holding of office after appointment under this section.
- (3) The regulations may, in particular, make provision about any of the following matters—
  - (a) persons who may be appointed;
  - (b) the number of persons who may be appointed;
  - (c) the term of office of persons appointed;
  - (d) the right of persons appointed to participate in decision-making by the council (including voting);
  - (e) purposes for which a person appointed is to be treated as an elected councillor;
  - (f) the filling of vacancies.
- (4) In exercising a function under or by virtue of this section a parish council must have regard to any guidance issued by the Secretary of State about the exercise of that function.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

**F39** S. 16A inserted (1.4.2008 in so far as it confers powers to make regulations and otherwise prosp) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), **ss. 76(4)**, 245(5); S.I. 2008/917, **art. 4**

**F40**<sup>17</sup> .....

**Textual Amendments**

**F40** S. 17 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. IV**

**Status:** Point in time view as at 01/11/2007. This version of this part contains provisions that are not valid for this point in time.

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### *Miscellaneous*

VALID FROM 13/02/2008

#### **[<sup>F41</sup>17A Alternative styles: supplementary**

- (1) This section applies for the purposes of sections 9 to 16A.
- (2) “Alternative style” means one of the following styles—
  - (a) “community”;
  - (b) “neighbourhood”;
  - (c) “village”.
- (3) References to a parish having an alternative style, or a particular alternative style, are references to the parish having that style by virtue of—
  - (a) a relevant order, or
  - (b) a resolution under section 12A or 12B.
- (4) The provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style are subject to any resolution under section 12A or 12B relating to that parish.
- (5) A resolution under section 12A or 12B relating to a parish is subject to any provisions of a relevant order which provide for a parish to have, or to cease to have, an alternative style.
- (6) A parish shall cease to have an alternative style if the parish begins to have the status of a town by virtue of section 245(6).
- (7) In this section “relevant order” means an order under—
  - (a) section 11 of this Act, or
  - (b) section 86 of the Local Government and Public Involvement in Health Act 2007.]

#### **Textual Amendments**

- F41** S. 17A inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 75\(8\), 245](#); S.I. 2008/337, [art. 2\(a\)](#)

## **18 Establishment of new authorities in England.**

Schedule 3 to this Act shall have effect with respect to the division of non-metropolitan counties into districts, the establishment of the new local authorities in England, the suspension of elections of members of existing local authorities there and related matters.

## **19 Extent of Part I.**

This Part of this Act shall extend to England only.

**Status:**

Point in time view as at 01/11/2007. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

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