



# Local Government Act 1972

## 1972 CHAPTER 70

### PART I

#### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN ENGLAND

##### *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>F1</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.

(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>F2</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.

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#### Textual Amendments

- F1** 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)**
- F2** 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>F3</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.

#### Textual Amendments

- F3** 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)

- C1** S. 5 applied (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\)](#), **art. 20(6)**
- C2** S. 5 applied (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\)](#), **art. 9(8)**

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## 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>F4</sup>Representation of the People Act 1983].

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

- (a) every <sup>F5</sup>non-metropolitan] county shall be divided into electoral divisions, each returning (subject to paragraph 3 of Schedule 3 to this Act <sup>F6</sup>and subject to sections 14(8) and 17(7) of the Local Government Act 1992]) 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>F7</sup>as mentioned in subsection (3) below];

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

<sup>F8</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

- F4** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)
- F5** Word inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 102, Sch. 16 para. 2](#)
- F6** Words in s. 6(2)(a) inserted (28.9.2000) by [2000 c. 22, ss. 89\(4\), 108\(2\)\(a\)](#)
- F7** Words in s. 6(2)(c) substituted (19.5.1997) by [1997 c. 29, ss. 33\(1\), 34\(2\), Sch. 3 para. 5\(a\)](#)
- F8** [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)

- C3** [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](#))

## 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>F9</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,

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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 [F10]section 17 of the Local Government Act 1992].

(7) Where the Secretary of State receives a request under subsection (4)(b) above from a district council he may [F11]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;

[F12]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;

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- (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

- F9** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 16 para. 3](#)
- F10** 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](#)
- F11** 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](#)
- F12** 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)

- C4** 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>F13</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.
- (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>F14</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

- F13** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

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**F14** S. 8(2)(a) repealed by Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), s. 2(4)

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