



# Local Government Act 1972

## 1972 CHAPTER 70

### PART I

#### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN ENGLAND

##### *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>F1</sup>(2) .....

<sup>F2</sup>(3) .....

(4) Subject to any order under [<sup>F3</sup>section 10 or 11 below [<sup>F4</sup>Part II of the Local Government Act 1992 or [<sup>F5</sup>section 86 of the Local Government and Public Involvement in Health Act 2007]]], 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>F6</sup>(5) .....

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- (6) An order shall not be made under [F7 section 86 of the Local Government and Public Involvement in Health Act 2007] 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 dissolved, the order under [F8 section 86 of the 2007 Act] 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

- F1** S. 9(2) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(c)**)
- F2** S. 9(3) omitted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(2)** (and expressed to be repealed (18.3.1998) by 1997 c. 29, s. 33(2), **Sch. 4**; S.I. 1998/694, **art. 2(a)**)
- F3** 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**
- F4** Words in s. 9(4) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), **Sch. 3 para. 6(3)**
- F5** Words in s. 9(4) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 2(2)**; S.I. 2008/337, **art. 2(b)(c)**
- F6** 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)**)
- F7** Words in s. 9(6) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 2(3)(a)**; S.I. 2008/337, **art. 2(b)(c)**
- F8** Words in s. 9(6) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 2(3)(b)**; S.I. 2008/337, **art. 2(b)(c)**

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

- C1** 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 [F9 London borough council] for the dissolution of the parish council, and thereupon the district council [F9 London borough 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.

#### Textual Amendments

- F9** Words in s. 10(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, **Sch. 5 para. 3(2)**; S.I. 2008/337, **art. 2(c)**

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

- C2** 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**

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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 [<sup>F10</sup>or London borough council] for an order grouping the parish with some neighbouring parish or parishes in the same district [<sup>F11</sup>or London borough] 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 [<sup>F10</sup>or London borough 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—
  - (a) for the name of the group;
  - [<sup>F12</sup>(b) the electoral arrangements that are to apply to the council;]
  - (c) for the application to the parishes included in the group of all or any of the provisions of [<sup>F13</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.

- [<sup>F14</sup>(3A) In this section “electoral arrangements”, in relation to a council, means all of the following—
- (a) the year in which ordinary elections of councillors are to be held;
  - (b) the number of councillors to be elected to the council by each parish;
  - (c) the division (or not) of any of the parishes, into wards for the purpose of electing councillors;
  - (d) the number and boundaries of any such wards;
  - (e) the number of councillors to be elected for any such ward;
  - (f) the name of any such ward.]

- (4) The district council [<sup>F15</sup>or London borough 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 [<sup>F15</sup>or London borough 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—

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- (a) unless an order is made under <sup>F16</sup> . . . subsection (4) above or [<sup>F17</sup>Part II of the Local Government Act 1992][<sup>F18</sup>or [<sup>F19</sup>section 86 of the Local Government and Public Involvement in Health Act 2007]] 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>F20</sup>subsection (4) above or [<sup>F19</sup>section 86 of the Local Government and Public Involvement in Health Act 2007]] in relation to any parishes so situated shall be made by the district councils concerned acting jointly.

#### Textual Amendments

- F10** Words in s. 11(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, Sch. 5 para. 4(2)(a); S.I. 2008/337, art. 2(c)
- F11** Words in s. 11(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, Sch. 5 para. 4(2)(a); S.I. 2008/337, art. 2(c)
- F12** S. 11(3)(b) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, Sch. 5 para. 4(3); S.I. 2008/337, art. 2(c)
- F13** Words in s. 11(3)(c) substituted (1.8.1993) by 1993 c. 10, ss. 98(1), 99(1), Sch. 6 para. 12(2)
- F14** S. 11(3A) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, Sch. 5 para. 4(4); S.I. 2008/337, art. 2(c)
- F15** Words in s. 11(4) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, Sch. 5 para. 4(5); S.I. 2008/337, art. 2(c)
- F16** 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))
- F17** 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
- F18** Words in s. 11(5)(a) inserted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), Sch. 3 para. 7(b)
- F19** Words in s. 11(5) substituted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, Sch. 5 para. 4(6); S.I. 2008/337, art. 2(c)
- F20** 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)

- C3** 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

#### [<sup>F21</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

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- (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”.
- (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.]

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#### **Textual Amendments**

**F21** 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\(a\)](#)

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## [<sup>F21</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

**F21** 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 [<sup>F22</sup>or by a London borough council] under section <sup>F23</sup> . . . 10 or 11 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council or district councils [<sup>F24</sup>or the London borough council] 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.
- (2) When any such order is made, [<sup>F25</sup>[<sup>F26</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>F27</sup>order under section 10 or 11 above] shall be sent to the Secretary of State.]

### Textual Amendments

**F22** Words in s. 12(1) inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 101, 245](#), [Sch. 5 para. 5\(2\)\(a\)](#); S.I. 2008/337, [art. 2\(c\)](#)

**F23** 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\(c\)](#))

**F24** Words in s. 12(1) inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 101, 245](#), [Sch. 5 para. 5\(2\)\(b\)](#); S.I. 2008/337, [art. 2\(c\)](#)

**F25** Words in s. 12(2) substituted (31.10.1992) by [Local Government Act 1992](#) (c. 19), [s. 27\(1\)](#), [Sch. 3 para. 10](#); S.I. 1992/2371, [art. 2](#)

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- F26** 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](#))
- F27** 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](#))

## [<sup>F28</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.]

### Textual Amendments

- F28** 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\(a\)](#)

## [<sup>F28</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.

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- (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

**F28** 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.
  - (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.
- [<sup>F29</sup>(5A) If the parish has the style of community—
- (a) the parish meeting shall have the style of “community meeting”;
  - (b) the parish trustees shall be known by the name of “The Community Trustees” with the addition of the name of the community.
- (5B) If the parish has the style of neighbourhood—
- (a) the parish meeting shall have the style of “neighbourhood meeting”;



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- (b) the parish trustees shall be known by the name of “The Neighbourhood Trustees” with the addition of the name of the neighbourhood.

(5C) If the parish has the style of village—

- (a) the parish meeting shall have the style of “village meeting”;
- (b) the parish trustees shall be known by the name of “The Village Trustees” with the addition of the name of the village.]

#### Textual Amendments

**F29** S. 13(5A)-(5C) inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(4\), 245](#); S.I. 2008/337, [art. 2\(a\)](#)

### 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.
- [<sup>F30</sup>(2A) If the parish has the style of community, the council shall be known by the name “The Community Council” with the addition of the name of the community.
- (2B) If the parish has the style of neighbourhood, the council shall be known by the name “The Neighbourhood Council” with the addition of the name of the neighbourhood.
- (2C) If the parish has the style of village, the council shall be known by the name “The Village Council” with the addition of the name of the village.
- (2D) If parishes are grouped under a common parish council—
  - (a) subsection (2), (2A), (2B) or (2C) (as appropriate) applies to that council as the subsection would apply in the case of the council of an individual parish; but
  - (b) the names of all of the parishes, communities, neighbourhoods or villages in the group are to be included in the name of the common council.]
- (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.

#### Textual Amendments

**F30** S. 14(2A)-(2D) inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), [ss. 75\(5\), 245](#); S.I. 2008/337, [art. 2\(a\)](#)

### 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

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- 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.
  - (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.
  - [<sup>F31</sup>(11) If the parish has the style of community, the chairman and vice-chairman shall (respectively) have the style—
    - (a) “chairman of the community council”;
    - (b) “vice-chairman of the community council”.
  - (12) If the parish has the style of neighbourhood, the chairman and vice-chairman shall (respectively) have the style—
    - (a) “chairman of the neighbourhood council”;
    - (b) “vice-chairman of the neighbourhood council”.
  - (13) If the parish has the style of village, the chairman and vice-chairman shall (respectively) have the style—
    - (a) “chairman of the village council”;
    - (b) “vice-chairman of the village council”.
  - (14) If parishes which have an alternative style are grouped under a common parish council, subsection (11), (12) or (13) (as appropriate) applies to the chairman and vice-chairman of that council as the subsection would apply in the case of the council of an individual parish.]

#### **Textual Amendments**

**F31** S. 15(11)-(14) inserted (13.2.2008) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 75(6), 245**; S.I. 2008/337, **art. 2(a)**

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## 16 Parish councillors.

- (1) The number of parish councillors for each parish [<sup>F32</sup>council][<sup>F33</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>F34</sup>Representation of the People Act 1983 [<sup>F35</sup>and relevant electoral arrangements]][<sup>F35</sup>and relevant electoral arrangements].
- <sup>F36</sup>(2A) In their application to the election of parish councillors, this Act and Part 1 of the Representation of the People Act 1983 (c. 2) are subject to the relevant electoral arrangements that apply to the election.
- (2B) For the purposes of this section “relevant electoral arrangements” means—
  - (a) any arrangements about the election of councillors that are made in, or applicable by virtue of, provision made by virtue of section 245(6)(b) of the Local Government and Public Involvement in Health Act 2007 (transitional, saving or transitory provision), and
  - (b) any electoral arrangements applicable to the council by virtue of an order under section 7 or 10 or an order under section 86 of the Local Government and Public Involvement in Health Act 2007.]
- (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.
- <sup>F37</sup>(6) If the parish has the style of community, the councillors shall have the style of “councillors of the community council”.
- (7) If the parish has the style of neighbourhood, the councillors shall have the style of “councillors of the neighbourhood council”.
- (8) If the parish has the style of village, the councillors shall have the style of “councillors of the village council”.
- (9) If parishes which have an alternative style are grouped under a common parish council, subsection (6), (7) or (8) (as appropriate) applies to the councillors of that council as the subsection would apply in the case of the council of an individual parish.]

### Textual Amendments

**F32** Word in s. 16(1) inserted (13.2.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 101, 245, Sch. 5 para. 6(2); S.I. 2008/337, art. 2(c)

**F33** Words in s. 16(1) substituted (19.5.1997) by 1997 c. 29, ss. 33(1), 34(2), Sch. 3 para. 9

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- F34** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)
- F35** Words in s. 16(2) inserted (13.2.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 101, 245, Sch. 5 para. 6\(3\); S.I. 2008/337, art. 2\(c\)](#)
- F36** S. 16(2A)(2B) inserted (13.2.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 101, 245, Sch. 5 para. 6\(4\); S.I. 2008/337, art. 2\(c\)](#)
- F37** S. 16(6)-(9) inserted (13.2.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 75\(7\), 245; S.I. 2008/337, art. 2\(a\)](#)

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

- C4** 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\(3\)](#)
- C5** S. 16(3) excluded (28.3.2008) by [The Bedfordshire \(Structural Changes\) Order 2008 \(S.I. 2008/907\), art. 26\(1\)](#)
- C6** S. 16(3) excluded (5.3.2008) by [The Cheshire \(Structural Changes\) Order 2008 \(S.I. 2008/634\), art. 15\(1\)](#)
- C7** S. 16(3) excluded (26.2.2008) by [The Northumberland \(Structural Change\) Order 2008 \(S.I. 2008/494\), art. 14\(1\)](#)
- C8** S. 16(3) excluded (26.2.2008) by [The County Durham \(Structural Change\) Order 2008 \(S.I. 2008/493\), art. 14\(1\)](#)
- C9** S. 16(3) excluded (26.2.2008) by [The Wiltshire \(Structural Change\) Order 2008 \(S.I. 2008/490\), art. 12](#)
- C10** S. 16(3) excluded (26.2.2008) by [The Shropshire \(Structural Change\) Order 2008 \(S.I. 2008/492\), art. 13](#)
- C11** S. 16(3) excluded (26.2.2008) by [The Cornwall \(Structural Change\) Order 2008 \(S.I. 2008/491\), arts. 1, 13](#)

VALID FROM 01/04/2008

#### <sup>F38</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.

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(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**

**F38** 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**

<sup>F39</sup>**17** .....

**Textual Amendments**

**F39** S. 17 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. IV**

**Status:**

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