

Status: Point in time view as at 22/11/2012.

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SCHEDULES

SCHEDULE 12

Section 99.

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

- C1** Sch. 12 modified (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), [art. 6](#)
- C2** Sch. 12 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1](#), 86(9)
- C3** Sch. 12 modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 2\(4\)](#)
- C4** Sch. 12 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 160\(2\)](#)
- Sch. 12: power conferred to make provisions about matters of the kind dealt with in this Schedule (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), [Sch. 4\(a\)\(ii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)

PART I

PRINCIPAL COUNCILS

Modifications etc. (not altering text)

- C5** Sch. 12 Pt.I applied (07.08.1991) by [S.I.1991/1773](#), [arts. 6, 8](#), [Sch. 1](#).
Sch. 12 Pt.I: certain functions transferred (subject to modifications) (07.08.1991) by [S.I.1991/1773](#), [arts. 6, 8](#), [Sch.1](#).
- C6** Sch. 12 Pt.I applied (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).
Sch. 12 Pt.I: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).
- C7** Sch. 12 Pt. I applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), [arts. 1\(1\), 7](#), [Sch. 1](#)

- 1 (1) A principal council shall in every year hold an annual meeting.
- (2) The annual meeting of a principal council ^{F1} . . . shall be held—
- (a) in a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of councillors or such other day within the twenty-one days immediately following the day of retirement as the council may fix;
- [^{F2}(aa) in a year of an election for the return of an elected mayor to the council, which is not a year of ordinary elections of councillors to the council, on the eighth day after the day of retirement of an elected mayor or such other day within the twenty-one days immediately following the day of retirement as the council may fix;]
- (b) in any other year, on such day in the month of March, April or May as the council may fix.

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^{F3}(3)

(4) An annual meeting of a principal council shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)
- F2** Sch. 12 para. 1(2)(aa) inserted (E.) (6.5.2002) by [The Local Authorities \(Executive Arrangements\) \(Modification of Enactments\) \(England\) Order 2002 \(S.I. 2002/1057\)](#), [art. 6](#)
- F3** Sch. 12 para. 1(3) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

Modifications etc. (not altering text)

- C8** Sch. 12 para. 1 applied (with modifications) (1.5.2000 for specified purposes and otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28, para. 10\(1\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)
- C9** Sch. 12 para. 1(2)(b) modified (10.4.2001 with effect for the year 2001) by [2001 c. 7, s. 1\(6\)](#)

- 2
- (1) A principal council may in every year hold, in addition to the annual meeting, such other meetings as they may determine.
 - (2) Those other meetings shall be held at such hour and on such days as the council may determine.

Modifications etc. (not altering text)

- C10** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 3
- (1) An extraordinary meeting of a principal council may be called at any time by the chairman of the council.
 - (2) If the chairman refuses to call an extraordinary meeting of a principal council after a requisition for that purpose, signed ^{F4}. . . by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after the requisition has been presented to him, then ^{F4}. . . any five members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the council.

Textual Amendments

- F4** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

Modifications etc. (not altering text)

- C11** Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328, Sch. 28 para. 10\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094, arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)

- 4
- (1) Meetings of a principal council shall be held at such place, either within or without their area, as they may direct.
 - (2) Three clear days at least before a meeting of a principal council—

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- (a) notice of the time and place of the intended meeting shall be published at the council's offices, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and
 - (b) a summons to attend the meeting, specifying the business to be transacted thereat, and signed by the proper officer of the council, shall, subject to sub-paragraph (3) below, be left at or sent by post to the usual place of residence of every member of the council.
- (3) If a member of a principal council gives notice in writing to the proper officer of the council that he desires summonses to attend meetings of the council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.
- (4) Want of service of a summons on any member of a principal council shall not affect the validity of a meeting of the council.
- (5) Except in the case of business required by or under this or any other Act to be transacted at the annual meeting of a principal council and other business brought before that meeting as a matter of urgency in accordance with the council's standing orders, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

Modifications etc. (not altering text)

- C12** Sch. 12 paras. 2-5 applied (with modifications) (1.5.2000 for specified purposes and 3.7.2000 otherwise) by 1999 c. 29, s. 328, **Sch. 28 para. 10(2)** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **arts. 3(a)(b), 4(a)(g)**
- C13** Sch. 12 para. 4(2) excluded by Local Government Act 1985 (c. 51, SIF 81:1), **s. 86(9)**
- C14** Sch. 12 para. 4(2) restricted by S.I. 1985/1884, **art. 11(3)**

- [^{F5}4A (1) The Secretary of State may by order amend paragraph 4(2) above so as to substitute for the reference to three clear days such greater number of days as may be specified in the order.
- (2) Any statutory instrument containing an order under sub-paragraph (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F5** Sch. 12 para. 4A inserted (1.10.2000 (E.) and 28.7.2001 (W.)) by 2000 c. 22, **ss. 98(1)(2), 108(4)**; S.I. 2000/2187, **art. 3**

- 5 (1) At a meeting of a principal council the chairman, if present, shall preside.
- (2) If the chairman is absent from a meeting of a principal council, then—
- (a) ^{F6} . . . , the vice-chairman of the council, if present, shall preside;
 - ^{F7}(b)
 - (c) in the case of a London borough council, the deputy mayor, if at that time he remains a councillor ^{F8} . . . and is chosen for that purpose by the members of the council then present, shall preside.
- (3) If—

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(a) in the case of a principal council ^{F9} . . . , both the chairman and vice-chairman of the council are absent from a meeting of the council;

^{F10}(b)

(c) in the case of a London borough council, the mayor and deputy mayor are so absent or the deputy mayor being present is not chosen;

another member of the council chosen by the members of the council present shall preside.

[^{F11}(4) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.

^{F11}(5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive ^{F12} ”]

Textual Amendments

F6 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

F7 Sch. 12 para. 5(2)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

F8 Words repealed by [S.I. 1977/1710](#), **art. 3(c)**

F9 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

F10 Sch. 12 para. (3)(b) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**

F11 Sch. 12 para. 5(4)(5) inserted (26.10.2000 (E.) and 28.7.2001 (W.)) by [2000 c. 22](#), ss. 46, 108(4), **Sch. 3 para. 14(1)(2)**; [S.I. 2000/2849](#), **art. 2(e)**

F12 Words in Sch. 12 para. 5(5) omitted (30.12.2007) by virtue of [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 74, 245, **Sch. 3 para. 12(2)** and said words repealed (prosp.) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 241, 245, **Sch. 18 Pt. 3**

Modifications etc. (not altering text)

C15 Sch. 12 paras. 2-5 applied (with modifications)(1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29](#), s. 328, **Sch. 28 para. 10(2)** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), **arts. 3(a)(b)**, 4(a)(g)

6 Subject to paragraph 45 below, no business shall be transacted at a meeting of a principal council unless at least one quarter of the whole number of members of the council are present.

Modifications etc. (not altering text)

C16 Sch. 12 para. 6 applied (with modifications)(8.1.1996) by [1995 c. x](#), ss. 1(3), 44, **Sch. Pt. II**

[^{F13}PART IA

JOINT AUTHORITIES AND INNER LONDON EDUCATION AUTHORITY

Textual Amendments

F13 Sch. 12 Pt. IA inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 35(2)**

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[^{F14}6A (1) Paragraph 1 above applies to a joint authority [^{F15}, an economic prosperity board, [^{F16}or] a combined authority]^{F17}.... . as it applies to a principal council, except that the annual meeting of the authority shall be held on such day between 1st March and 30th June (both inclusive) as the authority may fix.

^{F18}(2)]

Textual Amendments

- F14** Sch. 12 para. 6A substituted by [Local Government Act 1986 \(c. 10, SIF 81:1\)](#), **s. 10(3)**
- F15** Words in Sch. 12 para. 6A(1) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 39**; S.I. 2009/3318, **art. 2(e)**
- F16** Word in Sch. 12 para. 6A(1) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 116(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)
- F17** Words in Sch. 12 para. 6A(1) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 116(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)
- F18** Sch. 12 para. 6A(2) repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C17** Sch. 12 para. 6A amended by [S.I. 1985/1884](#), arts. 10, 11(3), **Sch. 3 para. 1(p)**
- C18** Sch. 12 para. 6A modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(o)**
Sch. 12 para. 6A excluded (10.5.2000) by [S.I. 2000/1095](#), **art. 5(2)**
- C19** Sch. 12 para. 6A(1) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630](#), **art. 2**
Sch. 12 para. 6A(1) modified (13.3.2004) by [S.I. 2004/222](#), **art. 4(2)**

6B The other provisions of Part I of this Schedule shall apply to an authority mentioned in paragraph 6A above as they apply to a principal council except that

[the number of members mentioned in paragraph 3(2) shall be three, ^{F20}...
^{F19}(a)]
^{F20}(b)
(c) ^{F21}.....]

Textual Amendments

- F19** Word in Sch. 12 para. 6B inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by [1994 c. 29](#), s. 43, **Sch. 4 Pt. I para. 15(3)(a)**; S.I. 1994/2025, **art. 6**; S.I. 1994/3262, art. 4(1), **Sch.**
- F20** Sch. 12 para. 6B(b) and word omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 116(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)
- F21** Sch. 12 para. 6B(c) and preceding word repealed (1.4.2002) by [2001 c. 16](#), ss. 128, 137, 138(2), **Sch. 6 para. 32(b)(ii)**, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3(j)(k)(m)** (with transitional provisions in [art.4](#))

Modifications etc. (not altering text)

- C20** Sch. 12 para. 6B modified by [S.I. 1985/1884](#), arts. 10, 11(3), **Sch. 3 para. 3(c)** and by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(o)**

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PART II

PARISH COUNCILS

- 7 (1) A parish council shall in every year hold an annual meeting.
- (2) In a year which is a year of ordinary elections of parish councillors, the annual meeting of a parish council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the parish council may determine.
- (3) The annual meeting of a parish council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

Modifications etc. (not altering text)

C21 Sch. 12 para. 7(2) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630](#), **art. 3**

- 8 (1) A parish council shall in every year hold, in addition to the annual meeting, such other meetings (not less than three) as they may determine.
- (2) Those other meetings shall be held at such hour and on such days as the council may determine.
- 9 (1) An extraordinary meeting of a parish council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
- 10 (1) Meetings of a parish council shall be held at such place, either within or without their area, as they may direct, but shall not be held in [^{F22}premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] unless no other suitable room is available either free of charge or at a reasonable cost.
- (2) Three clear days at least before a meeting of a parish council—
- (a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the parish and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.
- (3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the parish council concerned shall not affect the validity of the meeting.

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Textual Amendments

F22 Words in Sch. 12 para. 10(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201(2), [Sch. 6 para. 61\(2\)\(a\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)

Modifications etc. (not altering text)

C22 Sch. 12 para. 10 applied (4.3.1996) by S.I. 1996/263, [reg. 8\(5\)](#)

C23 Sch. 12 para. 10 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), regs. 8(5), 9(3)

- 11 (1) At a meeting of a parish council the chairman of the council, if present, shall preside.
- (2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.
- (3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.
- 12 Subject to paragraph 45 below, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.
- 13 (1) Unless otherwise provided by the council's standing orders the manner of voting at meetings of a parish council shall be by a show of hands.
- (2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

Modifications etc. (not altering text)

C24 Sch. 12 para. 13(1) applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), regs. 8(5), 9(7)

PART III

PARISH MEETINGS

- 14 (1) The parish meeting of a parish shall assemble annually on some day between 1st March and 1st June, both inclusive, in every year.
- (2) Subject to sub-paragraph (1) above and to sub-paragraph (3) below, parish meetings shall be held on such days and at such times as may be fixed by the parish council or, if there is no parish council, by the chairman of the parish meeting.
- (3) In a parish which does not have a separate parish council the parish meeting shall, subject to any provision made by a grouping order, assemble at least twice in every year.
- (4) The proceedings at a parish meeting shall not commence earlier than 6 o'clock in the evening.

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- (5) A parish meeting shall not be held in [^{F23}premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

Textual Amendments

F23 Words in Sch. 12 para. 14(5) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201(2), [Sch. 6 para. 61\(3\)\(a\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)

Modifications etc. (not altering text)

C25 Sch. 12 para. 14(1) modified (13.3.2004) by [The Local Elections \(Ordinary Day of Election 2004\) Order 2004 \(S.I. 2004/222\)](#), [art. 4\(3\)](#)

- 15 (1) A parish meeting may be convened by—
- (a) the chairman of the parish council, or
 - (b) any two parish councillors for the parish, or
 - (c) where there is no parish council, the chairman of the parish meeting or any person representing the parish on the district council, or
 - (d) any six local government electors for the parish.
- (2) Not less than seven clear days, or, in a case falling within sub-paragraph (3) below, not less than fourteen clear days, before a parish meeting, public notice of the meeting shall be given, specifying the time and place of the intended meeting and the business to be transacted at the meeting, and signed by the person or persons convening the meeting.
- (3) The fourteen-day period of notice specified in sub-paragraph (2) above is applicable if any business proposed to be transacted at a parish meeting relates to—
- (a) the establishment or dissolution of a parish council, or
 - (b) the grouping of the parish with another parish or parishes under a common parish council.
- (4) Public notice of a parish meeting shall be given—
- (a) by posting a notice of the meeting in some conspicuous place or places in the parish, and
 - (b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.
- 16 The chairman of a parish council shall be entitled to attend a parish meeting for the parish (or, where a grouping order is in force, for any of the parishes comprised in the group) whether or not he is a local government elector for the parish, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 18(3) below.
- 17 (1) In a parish having a separate parish council the chairman of the parish council, if present, shall preside at a parish meeting and if he is absent the vice-chairman (if any) shall, if present, preside.
- (2) In a parish which does not have a separate parish council the chairman chosen for the year in question under section 15(10) or 88(3) above, if present, shall preside.

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- (3) If the chairman and the vice-chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purposes of that meeting, the powers and authority of the chairman.
- 18 (1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.
- (2) A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.
- (3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
- (4) A poll may be demanded before the conclusion of a parish meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.
- (5) A poll consequent on a parish meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to the elections of parish councillors under [F²⁴section 36 of the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act] shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.
- (6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

Textual Amendments

F24 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 14](#)

- 19 (1) Minutes of the proceedings of a parish meeting, or a committee thereof, shall be drawn up and entered in a book provided for the purpose and shall be signed at the same or the next following assembly of the parish meeting, or, as the case may be, meeting of the committee, by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Until the contrary is proved, a parish meeting, or a meeting of a committee thereof, in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are those of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.
- 20 (1) Subject to the provisions of this Act, in a parish having a separate parish council the parish council may make, vary and revoke standing orders for the regulation of proceedings and business at parish meetings for the parish.

Status: Point in time view as at 22/11/2012.

Changes to legislation: Local Government Act 1972, SCHEDULE 12 is up to date with all changes known to be in force on or before 27 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)

- (2) In a parish which does not have a separate parish council, the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.
- 21 (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a parish meeting on such terms and conditions as the Treasury may determined.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.
- 22 If any person, in a poll consequent on a parish meeting—
- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or
 - (b) without due authority supplies a ballot paper to any person; or
 - (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
 - (d) fraudulently takes out of the polling station any ballot paper; or
 - (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;
- he shall—
- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
 - (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

PART IV

COMMUNITY COUNCILS

- 23 (1) A community council shall in every year hold an annual meeting.
- (2) In a year which is a year of ordinary elections of community councillors, the annual meeting of a community council shall be held on, or within fourteen days after, the day on which the councillors elected at that election take office, and in any other year the annual meeting shall be held on such day in May as the community council may determine.
- (3) The annual meeting of a community council shall be held at such hour as the council may fix or, if no hour is so fixed, 6 o'clock in the evening.

Modifications etc. (not altering text)

C26 Sch. 12 para. 23(2) modified (25.5.2001 with effect for the year 2001) by [S.I. 2001/1630, art. 4](#)

- 24 (1) A community council may in every year hold, in addition to the annual meeting, such other meetings as the council may determine to hold for the transaction of their business.

Status: Point in time view as at 22/11/2012.

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- (2) Any of those other meetings shall be held at such hour and on such day as the council may determine.
- 25 (1) An extraordinary meeting of a community council may be called at any time by the chairman of the council.
- (2) If the chairman refuses to call an extraordinary meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call an extraordinary meeting within seven days after such a requisition has been presented to him, any two members of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene an extraordinary meeting of the council.
- 26 (1) Meetings of the community council shall be held at such place, either within or without their area, as they may direct, but shall not be held in [^{F25}premises which at the time of such a meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] unless no other suitable room is available either free of charge or at a reasonable cost.
- (2) Three clear days at least before a meeting of a community council—
- (a) notice of the time and place of the intended meeting shall be fixed in some conspicuous place in the community and, where the meeting is called by members of the council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.
- (3) Want of service of any such summons as is referred to in sub-paragraph (2)(b) above on any member of the community council concerned shall not affect the validity of the meeting.

Textual Amendments

F25 Words in Sch. 12 para. 26(1) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 198, 201(2), [Sch. 6 para. 61\(2\)\(b\)](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, [art. 2\(2\)](#)

- [^{F26}26A(1) This paragraph applies where a community council has been given a notice under sub-paragraph (4) or (5)(b) of paragraph 38B below.
- (2) The community council must ensure that the question of what action (if any) the council should take in response to the community poll, or the part of the community poll, to which the notice relates is included within the business to be transacted at a meeting of the community council held within the relevant period.
- (3) If it is necessary for the chairman of the community council to exercise his power under paragraph 25(1) above to call an extraordinary meeting of a community council in order for the community council to comply with sub-paragraph (2) above, the chairman must so exercise that power.

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- (4) In sub-paragraph (2) “relevant period” means the period of six weeks beginning with the day following that on which the notice referred to in sub-paragraph (1) was given.]

Textual Amendments

F26 Sch. 12 para. 26A inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), [ss. 96, 178\(3\)](#); [S.I. 2012/1187](#), [art. 2\(1\)\(k\)](#)

- 27 (1) At a meeting of a community council the chairman of the council, if present, shall preside.
- (2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.
- (3) If both the chairman and the vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.
- 28 Subject to paragraph 45 below, no business shall be transacted at a meeting of a community council unless at least one-third of the whole number of members of the council are present at the meeting; but, notwithstanding anything in that paragraph, in no case shall the quorum be less than three.
- 29 (1) Unless otherwise provided by the council’s standing orders the manner of voting at meetings of a community council shall be by a show of hands.
- (2) On the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.
- [^{F27}29A(1) This paragraph applies where—
- (a) a meeting of a community council has considered the question of what action (if any) the council is to take in response to a poll consequent on a community meeting,
 - (b) that question was included within the business to be transacted at the meeting in order to comply with paragraph 26A(2) above, and
 - (c) the poll was taken following a demand being made at a community meeting which was convened under paragraph 30A below.
- (2) The council must take all reasonable steps to give notice to each of the individuals who convened the community meeting referred to in sub-paragraph (1) above of what action (if any) the council intends to take in response to the poll, or that part of the poll which was considered at the meeting.
- (3) Notice under sub-paragraph (2) above must be given—
- (a) subject to sub-paragraph (4) below, in writing by sending it to the address given in respect of an individual in the relevant convening notice, and
 - (b) as soon as is reasonably practicable after the meeting of the community council was held.
- (4) Where an individual falling within sub-paragraph (2) above is an anonymous registrant in the register of local government electors, sub-paragraph (3)(a) above

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does not apply and the notice must instead be given in writing to the principal council within whose area the community in question lies.

- (5) The notice under sub-paragraph (4) above must include the entry in respect of the individual which was included in the relevant convening notice.
- (6) Where a principal council is given notice under sub-paragraph (4)—
 - (a) the council must, as soon as reasonably practicable, send the notice to the individual concerned, and
 - (b) for that purpose and for the purposes of paragraph 30D below, section 9B(8) of the Representation of the People Act 1983 (communications with anonymous registrants) shall have effect as if the council were an officer referred to in that section.
- (7) The relevant registration officer must supply the principal council with any information that it is necessary for the council to have in order to comply with the duty under sub-paragraph (6) above.
- (8) In this paragraph—

“anonymous registrant in the register of local government electors” means an individual in respect of whom the relevant convening notice included an entry referred to in paragraph 30B(6)(a) below;

“relevant convening notice” means the notice given to the council under paragraph 30B below which preceded the holding of the community meeting at which the poll in question was demanded;

“relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of electors for the local government area (within the meaning of that Act) in which the community in question lies.]

Textual Amendments

F27 Sch. 12 para. 29A inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 97**, [178\(3\)](#); [S.I. 2012/1187](#), [art. 2\(1\)\(k\)](#)

PART V

COMMUNITY MEETINGS

- 30 (1) ^[F28]Where there is a community council for a community, a community meeting may be convened at any time by the chairman of the council or by any two councillors representing the community on the council.]
- ^[F29](2) Except in a case falling within sub-paragraph (3) below, public notice of ^[F30]a community meeting convened under sub-paragraph (1) above] shall be given not less than 7 clear days before the meeting.
- (3) Where any business proposed to be transacted at ^[F31]a community meeting convened under sub-paragraph (1) above] relates to ^[F32]the existence of the community council or the grouping of the community with other communities], public notice of the meeting shall be given not less than 30 clear days before the meeting.

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- (3A) The notice required by sub-paragraph (2) or (3) above shall—
- (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting; and
 - (c) be signed by the person or persons convening the meeting.]
- (4) Public notice of [^{F31}a community meeting convened under sub-paragraph (1) above] shall be given—
- (a) by posting a notice of the meeting in some conspicuous place or places in the community, and
 - (b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.
- [^{F33}(5) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.]

Textual Amendments

- F28** Sch. 12 para. 30(1) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(a)**, 178(3); S.I. 2012/1187, art. 2(1)(k)
- F29** Sch. 12 para. 30(2)(3)(3A) substituted (1.4.1996) for Sch. 12 para. 30(2)(3) by 1994 c. 19, s. 12(2); S.I. 1995/3198, art. 3, **Sch. 1**
- F30** Words in Sch. 12 para. 30(2) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(b)**, 178(3); S.I. 2012/1187, art. 2(1)(k)
- F31** Words in Sch. 12 para. 30(3)(4) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(c)**, 178(3); S.I. 2012/1187, art. 2(1)(k)
- F32** Words in Sch. 12 para. 30(3) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(d)**, 178(3) (with s. 115); S.I. 2012/1187, art. 2(1)(k)
- F33** Sch. 12 para. 30(5) inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(1)(e)**, 178(3) (with s. 115); S.I. 2012/1187, art. 2(1)(k)

- [^{F34}30A A community meeting may also be convened at any time by not less than—
- (a) 10% of the local government electors for the community, or
 - (b) 50 of the electors (if 10% of the electors exceeds 50 electors).]

Textual Amendments

- F34** Sch. 12 para. 30A inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 88(2)**, 178(3); S.I. 2012/1187, art. 2(1)(k)

- [^{F35}30B(1) Where a group of individuals assert that they have convened a community meeting under paragraph 30A above, those individuals must ensure that a notice which complies with the following requirements of this paragraph is given—
- (a) in a case where there is a community council for the community, to the community council, or
 - (b) in a case where there is no community council for the community, to the principal council within whose area the community lies.
- (2) The notice must contain—

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- (a) unless sub-paragraph (5) below applies to an individual, the name and address of each of the individuals who assert that they have convened a community meeting under paragraph 30A;
 - (b) unless sub-paragraph (5) below applies to an individual, the signature of each of those individuals;
 - (c) the business which is proposed to be transacted at the meeting;
 - (d) the proposed time and place at which the meeting is to be held.
- (3) The notice must—
- (a) where it is given under sub-paragraph (1)(a) above, be in writing (but not in an electronic form);
 - (b) where it is given under sub-paragraph (1)(b) above, be—
 - (i) in writing (but not in an electronic form), or
 - (ii) in an electronic form which meets the technical requirements set by the principal council under paragraph 30C below.
- (4) In sub-paragraph (2) above—
- (a) “address” means the individual's qualifying address for the purposes of the register of local government electors maintained under section 9(1)(b) of the Representation of the People Act 1983 for the local government area (within the meaning of that Act) in which the community lies;
 - (b) “signature” means—
 - (i) where a notice is in writing, an individual's signature or, if the individual cannot give a signature, a signature given on the individual's behalf by a duly authorised individual who, in giving that signature, declares that he or she is so authorised;
 - (ii) where a notice is in an electronic form, an electronic signature in respect of an individual which meets the authentication requirements for such signatures set by the principal council under paragraph 30C below.
- (5) This sub-paragraph applies to an individual in respect of whom an anonymous entry under section 9B of the Representation of the People Act 1983 has been made in a register of local government electors.
- (6) Where sub-paragraph (5) above applies to an individual, the notice referred to in sub-paragraph (2) above—
- (a) need not include the individual's name and address and, if it does not do so, must instead include the contents of the anonymous entry made in respect of the individual in the register of local government electors, and
 - (b) need not include a signature in respect of the individual.
- (7) Where a notice is in electronic form, it is to be treated as given to a principal council when the notice is given in accordance with whatever requirements the council has set as to the giving of such notices under paragraph 30C(2) below.]

Textual Amendments

F35 Sch. 12 para. 30B inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 89**, [178\(3\)](#); [S.I. 2012/1187](#), [art. 2\(1\)\(k\)](#)

Status: Point in time view as at 22/11/2012.

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- [^{F36}30C(1) A principal council must provide a facility so that notices under paragraph 30B(1) (b) above may be given to the council in electronic form (“electronic notices”).
- (2) The council must set and, to such extent as the council considers appropriate, publicise the following requirements for electronic notices—
- (a) the authentication requirements to be met by an electronic signature included within an electronic notice, and
 - (b) the other technical requirements to be met by and in relation to an electronic notice.]

Textual Amendments

F36 Sch. 12 para. 30C inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\), ss. 90, 178\(3\); S.I. 2012/1187, art. 2\(1\)\(k\)](#)

- [^{F37}30D(1) Where a principal council or a community council has been given a notice under paragraph 30B above, the council must consider—
- (a) whether the group of individuals to whom the notice relates is comprised of—
 - (i) at least 50 local government electors for the community in question, or
 - (ii) at least 10% of the local government electors for the community in question, and
 - (b) whether the notice meets the requirements of paragraph 30B above.
- (2) If the council is of the opinion that—
- (a) the group of individuals to whom the notice relates is comprised of electors as described in paragraph (1)(a)(i) or (ii) above, and
 - (b) the notice meets the requirements of paragraph 30B above,
- the council must give a public notice in accordance with paragraph 30E below.
- (3) If the council is not of the opinion described in paragraph (2) above, the council must take all reasonable steps to give notice to the individuals to whom the notice relates as to why the council is not of that opinion.
- (4) The relevant registration officer must supply the council with any information in relation to an individual in respect of whom the notice under paragraph 30B includes an anonymous entry, by virtue of sub-paragraph (6)(a) of that paragraph, that it is necessary for the council to have in order to perform the council's functions under this paragraph.
- (5) In sub-paragraph (4) above, “relevant registration officer” means the registration officer under section 8 of the Representation of the People Act 1983 in relation to the register of local government electors maintained under section 9(1)(b) of that Act for the local government area (within the meaning of that Act) in which the community in question lies.]

Textual Amendments

F37 Sch. 12 para. 30D inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\), ss. 91, 178\(3\); S.I. 2012/1187, art. 2\(1\)\(k\)](#)

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- [^{F38}30H(1) The public notice required by paragraph 30D(2) above must be given within a period of 30 days beginning with the day on which the council became of the opinion described in that paragraph.
- (2) Except in a case falling within sub-paragraph (3) below, the public notice must be given not less than seven clear days before the community meeting.
- (3) Where any business proposed to be transacted at the meeting relates to the existence of the community council or the grouping of the community with other communities, the public notice must be given not less than 30 clear days before the meeting.
- (4) The public notice must—
- (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting;
 - (c) be signed by the proper officer.
- (5) In specifying a time and place for the purposes of sub-paragraph (4)(a) above, the council must take into account the proposed time and place contained in the notice given to the council under paragraph 30B(2)(d) above.
- (6) The business specified for the purposes of sub-paragraph (4)(b) above must be the same as that contained in the notice given to the council under paragraph 30B(2)(c) above.
- (7) Public notice of a community meeting shall be given—
- (a) by posting a notice of the meeting in some conspicuous place or places in the community,
 - (b) in such other manner, if any, as appears to the council to be desirable for giving publicity to the meeting.
- (8) For the purposes of sub-paragraph (3) above, business relates to the existence of the community council or the grouping of the community with other communities if it relates to any function of a community meeting under sections 27A to 27L of this Act.]

Textual Amendments

F38 Sch. 12 para. 30E inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 92**, [178\(3\)](#); [S.I. 2012/1187](#), **art. 2(1)(k)**

- 31 The chairman of a community council shall be entitled to attend a community meeting for the community (or, where a grouping order is in force, for any of the communities comprised in the group) whether or not he is a local government elector for the community, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 34(3) below.
- 32 (1) The proceedings at a community meeting shall not commence earlier than 6 o'clock in the evening.
- (2) A community meeting shall not be held in [^{F39}premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

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Textual Amendments

F39 Words in Sch. 12 para. 32(2) substituted (24.11.2005) by [Licensing Act 2003 \(c. 17\), ss. 198, 201\(2\), Sch. 6 para. 61\(3\)\(b\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)

- 33 (1) In a community for which there is a community council, the chairman of the council, if present, shall preside at a community meeting.
- (2) In any other case, a community meeting shall appoint a person to be chairman at that meeting.
- 34 (1) Subject to the provisions of this Act, each local government elector may, at a community meeting or at a poll consequent thereon, give one vote and no more on any question.
- (2) A question to be decided by a community meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.
- (3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
- [^{F40}(4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless—
- (a) the poll is demanded by a majority of the local government electors present at the meeting, and
- (b) the electors demanding a poll constitute not less than—
- (i) 10% of the local government electors for the community, or
- (ii) 150 of the electors (if 10% of the electors exceeds 150 electors).]
- (5) A poll consequent on a community meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to elections of community councillors under section 42 above and of the enactments mentioned in section 165(1) of the ^{M1}Representation of the People Act 1949 shall, subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of community councillors.
- (6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

Textual Amendments

F40 Sch. 12 para. 34(4) substituted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\), ss. 93, 178\(3\)](#); [S.I. 2012/1187, art. 2\(1\)\(k\)](#)

Marginal Citations

M1 1949 c. 68.

- 35 (1) Minutes of the proceedings of a community meeting shall be drawn up and entered in a book provided for the purpose by the proper officer of the community council

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where there is one or, where there is not, the proper officer of the council of the [^{F41}principal area] in which the community is situated and shall be signed at the conclusion of the community meeting by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.

- (2) Until the contrary is proved, a community meeting in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified.

Textual Amendments

F41 Words in Sch. 12 para. 35(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 62**; S.I. 1996/396, art. 4, **Sch. 2**

- 36 Subject to the provisions of this Act a community meeting may regulate their own proceedings and business.
- 37 (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a community meeting on such terms and conditions as the Treasury may determine.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.
- 38 If any person, in a poll consequent on a community meeting—
- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or
 - (b) without due authority supplies a ballot paper to any person; or
 - (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
 - (d) fraudulently takes out of the polling station any ballot paper; or
 - (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;
- he shall—
- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
 - (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.
- [^{F42}38A(1) This paragraph applies to a poll (other than a poll to which sub-paragraph (2) below refers) consequent on a community meeting where a majority of those voting were in favour of the question in relation to which the poll was taken.
- (2) This paragraph does not apply to a poll taken on a question of a type specified in regulations made by the Welsh Ministers.

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- (3) The returning officer in relation to the poll must give notice in writing to the monitoring officer (within the meaning of section 5 of the Local Government and Housing Act 1989) of the relevant principal council of—
 - (a) the question posed by the poll, and
 - (b) the fact that that a majority of those voting were in favour of that question.
- (4) In sub-paragraph (3) above, “relevant principal council” means the principal council in whose area lies the community of the community meeting at which the poll was demanded.
- (5) The power of the Welsh Ministers to make regulations under sub-paragraph (2) above is exercisable by statutory instrument.
- (6) A statutory instrument which contains regulations under sub-paragraph (2) above is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]

Textual Amendments

F42 Sch. 12 para. 38A inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\), ss. 94, 178\(3\); S.I. 2012/1187, art. 2\(1\)\(k\)](#)

- [^{F43}38B] (1) Within a period of 14 days beginning with the day on which notice was given under paragraph 38A(3) above, the monitoring officer must determine whether, in the officer's opinion, the question in relation to which the poll was taken corresponds to any of the descriptions in sub-paragraph (2) below.
- (2) Those descriptions are—
 - (a) a question which relates only to the functions of the principal council,
 - (b) a question which relates only to the functions of a community council for the relevant community,
 - (c) a question which relates to the functions of the principal council and the functions of a community council for the relevant community.
 - (3) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(a) above, the officer must give notice of that determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice).
 - (4) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(b) above, the officer must give notice of that determination to the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).
 - (5) If the monitoring officer determines that the question in relation to which the poll was taken corresponds to the description in sub-paragraph (2)(c) above, the officer must—
 - (a) to the extent that the determination concludes that the question relates to the functions of the principal council, give notice of the determination to the principal council (see section 33B of this Act for the duties of the council upon being given such notice), and
 - (b) to the extent that the determination concludes that the question relates to the functions of the community council, give notice of the determination to

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the community council (see paragraphs 26A and 29A above for the duties arising following the giving of such a notice).

- (6) A notice required to be given by this paragraph must—
- (a) be given in writing,
 - (b) be given as soon as is reasonably practicable after the date of determination, and
 - (c) include the monitoring officer's reasons for the determination to which the notice relates.]

Textual Amendments

- F43** Sch. 12 para. 38B inserted (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 95(1), 178(3)**; [S.I. 2012/1187](#), art. 2(1)(k)

PART VI

PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

Modifications etc. (not altering text)

- C27** Sch. 12 Pt. VI applied (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch. 1**.
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), arts. 6, 8, **Sch.1**.
- C28** Sch. 12 Pt. VI applied (07.08.1991) by [S.I.1991/1773](#), art. 6, 8, **Sch. 1**.
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (07.08.1991) by [S.I.1991/1773](#), arts. 6, 8, **Sch. 1**.
- C29** Sch. 12 Pt. VI (paras. 39–45) applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 1(7), 23(2), 27(2), **Sch. 1 para. 4(8)**
Sch. 12 Pt. VI (paras. 39-45) extended (19.9.1995) by [1995 c. 25, ss. 63\(5\), 125\(2\)](#), **Sch. 7 para. 12(1)(a)**
Sch. 12 Pt. VI (paras. 39-45) applied (with modifications)(5.12.1995) by [S.I. 1995/3127](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3132](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3133](#), art. 2, **Sch. para. 20(1)**
Sch. 12 Pt. VI (paras. 39-45) applied (with modifications)(11.12.1995) by [S.I. 1995/3218](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3229](#), art. 2, **Sch. para. 20(1)**; [S.I. 1995/3230](#), art. 2, **Sch. para. 20(1)**
Sch. 12 Pt. VI (paras. 39-45) applied (with modifications)(20.11.1996) by [S.I. 1996/2912](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2916](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2917](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2918](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2919](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2920](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2921](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2922](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2923](#), art. 2, **Sch. para. 20(1)**; [S.I. 1996/2924](#), art. 2, **Sch. para. 20(1)**
Sch. 12 Pt. VI applied (1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29, s. 328](#), **Sch. 28 para. 10(4)** (with Sch. 12 para. 9(1)); [S.I. 2000/1094](#), arts. 3(a)(b), 4(a)(g)
- C30** Sch. 12 Pt. 6 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), arts. 1(2), 2, **Sch. para. 15**
- C31** Sch. 12 Pt. VI applied (with modifications) (E.) (24.3.2011) by virtue of [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, **Sch. 1**

- 39 (1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.

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- (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

Modifications etc. (not altering text)

- C32** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C33** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**
- C34** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)
- C35** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)
- C36** Sch. 12 para. 39(1) excluded (3.7.2000) by 1999 c. 29, s. **244(8)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

- 40 The names of the members present at a meeting of a local authority shall be recorded.

Modifications etc. (not altering text)

- C35** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(d) (with ss. 172(3), 185); S.I. 2010/2195, art. 3(2)(b)
- C37** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C38** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), **9(7)**
- C39** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. **151(7)(a)**, 324(1)(c)(3) (with ss. 172(3), 185)
- C40** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 2**
- C41** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), regs. 1(1), 3-6, **Sch. Pt. 3**

- 41 (1) Minutes of the proceedings of a meeting of a local authority shall, subject to subparagraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next ^{F44}[suitable] meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next ^{F44}[suitable] meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

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- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
- [^{F45}(4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.]

Textual Amendments

- F44** Words in Sch. 12 para. 41(1)(2) substituted (8.5.1992) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), [Sch. 11 para. 30](#); S.I. 1992/760, [art.2](#).
- F45** Sch. 12 para. 41(4) inserted (8.5.1992) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), [Sch. 11 para. 30](#); S.I. 1992/760, [art.2](#).

Modifications etc. (not altering text)

- C35** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 151\(7\)\(a\)](#), [324\(1\)\(c\)\(d\)](#) (with [ss. 172\(3\)](#), [185](#)); S.I. 2010/2195, [art. 3\(2\)\(b\)](#)
- C40** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 2](#)
- C41** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 3](#)
- C42** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by [1995 c. x](#), [ss. 1\(3\)](#), 44, [Sch. Pt. II](#)
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, [reg. 8\(9\)](#)
- C43** Sch. 12 paras. 39-44 applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), [regs. 8\(5\)](#), [9\(7\)](#)
- C44** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 151\(7\)\(a\)](#), [324\(1\)\(c\)\(3\)](#) (with [ss. 172\(3\)](#), [185](#))

- 42 Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

Modifications etc. (not altering text)

- C35** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), [ss. 151\(7\)\(a\)](#), [324\(1\)\(c\)\(d\)](#) (with [ss. 172\(3\)](#), [185](#)); S.I. 2010/2195, [art. 3\(2\)\(b\)](#)
- C40** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 2](#)
- C41** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by [The Police and Crime Panels \(Application of Local Authority Enactments\) Regulations 2012 \(S.I. 2012/2734\)](#), [regs. 1\(1\)](#), 3-6, [Sch. Pt. 3](#)
- C45** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by [1995 c. x](#), [ss. 1\(3\)](#), 44, [Sch. Pt. II](#)
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, [reg. 8\(9\)](#)

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- Sch. 12 para. 42 applied (10.5.2000) by S.I. 2000/1095, **art. 6(5)(d)**
Sch. 12 para. 42: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1), Sch. 1**
- C46** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **regs. 8(5), 9(7)**
- C47** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

- 43 The proceedings of a local authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

Modifications etc. (not altering text)

- C35** Sch. 12 paras. 39-43 applied (12.11.2009 for specified purposes, 1.10.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a), 324(1)(c)(d)** (with ss. 172(3), 185); S.I. 2010/2195, **art. 3(2)(b)**
- C40** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), **regs. 1(1), 3-6, Sch. Pt. 2**
- C41** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), **regs. 1(1), 3-6, Sch. Pt. 3**
- C48** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, **ss. 1(3), 44, Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C49** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **regs. 8(5), 9(7)**
- C50** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), **ss. 151(7)(a), 324(1)(c)(3)** (with ss. 172(3), 185)

- 44 (1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.
- (2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

Modifications etc. (not altering text)

- C40** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), **regs. 1(1), 3-6, Sch. Pt. 2**
- C41** Sch. 12 paras. 40-44 applied (with modifications) (22.11.2012) by The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 (S.I. 2012/2734), **regs. 1(1), 3-6, Sch. Pt. 3**
- C51** Sch. 12 para. 44 excluded by Education (No. 2) Act 1986 (c. 61, SIF 41:1), **ss. 26(4), 66, Sch. 3 para. 15**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, **ss. 159, 583(2), Sch. 16 para. 15(2)**

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- Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 423, 583(2), **Sch.33 Pt. II para. 15(2)**
C52 Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)

45 Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.

[^{F46}46 In this Part of this Schedule “local authority” includes a joint authority^{F47}^{F48} ... and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.]

Textual Amendments

- F46** Sch. 12 para. 46 inserted by Local Government Act 1985 (c. 51, SIF 81:1, 2), s. 84, **Sch. 14 Pt. I para. 35(3)**
F47 Words in Sch. 12 para. 46 omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 116(4)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 37)
F48 Words repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**

Modifications etc. (not altering text)

- C53** Sch. 12 para. 46 extended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**
C54 Sch. 12 para. 46 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**

Status:

Point in time view as at 22/11/2012.

Changes to legislation:

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