

Changes to legislation: Local Government Act 1972, SCHEDULE 2 is up to date with all changes known to be in force on or before 25 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) View outstanding changes

SCHEDULES

SCHEDULE 2 **E+W**

Section 8.

CONSTITUTION AND MEMBERSHIP OF GREATER LONDON COUNCIL AND LONDON BOROUGH COUNCILS

PART I **E+W**

Constitution

- 1 ^{F1}(1)
- (2) For every London borough there shall be a council consisting of the mayor and councillors and the council shall exercise all such functions as are vested in the municipal corporation of the borough or in the council of the borough by this Act or otherwise.

Textual Amendments

F1 Sch. 2 para. 1(1) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

Chairman and mayor

- 2 (1) The ^{F2}... mayor of a London borough shall be elected annually by the council from among the councillors.
- (2) The ^{F2}... mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as ^{F2}... mayor.
- (3) During his term of office the ^{F2}... mayor shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.
- (4) ^{F2}... a London borough council may pay the mayor, such allowance as the council think reasonable for the purpose of enabling the ^{F2}... mayor to meet the expenses of his office.
- (5) The mayor of a London Borough shall have precedence in the borough, but not so as prejudicially to affect Her Majesty's royal prerogative.

Textual Amendments

F2 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

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Election of chairman and mayor

- 3 (1) The election of the ^{F3} . . . mayor shall be the first business transacted at the annual meeting of ^{F3} . . . a London borough council.
- (2) If, apart from paragraph 2(3) above ^{F3} . . . , the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with sub-paragraph (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

Textual Amendments

F3 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

^{F4}

Textual Amendments

F4 [Sch. 2 para. 4](#) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)

Power of mayor of London borough to appoint deputy

- 5 (1) The mayor of a London borough may appoint a councillor of the borough to be deputy mayor, and the person so appointed shall, unless he resigns or becomes disqualified, hold office until a newly elected mayor becomes entitled to act as mayor (whether or not he continues until that time to be a councillor).
- (2) The appointment of a deputy mayor shall be signified to the council in writing and be recorded in the minutes of the council.
- (3) The deputy mayor may, if for any reason the mayor is unable to act or the office of mayor is vacant, discharge all functions which the mayor as such might discharge, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so under paragraph 5 of Schedule 12 below.
- (4) A London borough council may pay the deputy mayor such allowance as the council think reasonable for the purpose of enabling him to meet the expenses of his office.

^{F5} Modifications of preceding provisions

Textual Amendments

F5 [Sch. 2 paras. 5A-5I](#) and cross heading inserted (26.10.2000) by [2000 c. 22, ss. 46, 108\(4\)](#), [Sch. 3 para. 13\(1\)\(2\)](#); [S.I. 2000/2849, art. 2\(e\)](#)

- ^{F65A} Where a London borough council are operating executive arrangements which involve a leader and cabinet executive—
- (a) paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

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“(1A) A member of the executive of a London borough council may not be elected as the mayor of the borough.”

- (b) paragraph 5 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

“(1A) A member of the executive of a London borough council may not be appointed as the deputy mayor.”

Textual Amendments

- F6** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

- ^{F7}5B Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the preceding provisions of this Schedule shall have effect with the modifications specified in paragraphs 5C to 5I below.

Textual Amendments

- F7** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

- [^{F8F9}5C(1) The council shall consist of an elected mayor, a chairman and councillors.

- (2) A reference in this Act to a member of the council is a reference to—
- (a) the chairman of the council,
 - (b) a councillor of the council, or
 - (c) the elected mayor of the council.]

Textual Amendments

- F8** Sch. 2 para. 5C substituted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, Sch. 3 para. 11(2)
- F9** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

Modifications etc. (not altering text)

- C1** Sch. 2 para. 5C(1) restricted by 2000 c. 22, s. 9H(5) (as inserted (3.12.2011 for specified purposes, 9.3.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 2 para. 1; S.I. 2011/2896, art. 2(e); S.I. 2012/628, art. 2(a))

- ^{F10}5D Paragraphs 2(1) and 2(5) above shall have effect as if for the expression “mayor of a London borough” there were substituted “chairman of a London borough council”.

Textual Amendments

- F10** Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

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^{F11}5E Paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

(1A) A member of the executive of a London borough council may not be elected as the chairman of the council.

Textual Amendments

F11 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

^{F12}5F Paragraphs 2(2) to (4) and 3 above shall have effect as if for any reference to “mayor” there were substituted “chairman”.

Textual Amendments

F12 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

^{F13}5G Paragraph 2(5) above shall have effect as if it provided for the elected mayor to have precedence in the borough, but this paragraph shall not apply if the executive arrangements provide for it not to apply.

Textual Amendments

F13 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

^{F14}5H Paragraph 5 above shall have effect as if for sub-paragraphs (1) to (3) there were substituted—

- (1) A London borough council shall appoint a member of the council to be vice-chairman of the council.
- (1A) A member of the executive of a London borough council may not be appointed as the vice-chairman of the council.
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.”

Textual Amendments

F14 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), Sch. 3 para. 13(1)(2); S.I. 2000/2849, art. 2(e)

^{F15}5I Paragraphs 5(4) above shall have effect as if for the expression “ deputy mayor” there were substituted “vice-chairman”.]

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Textual Amendments

F15 Sch. 2 paras. 5A-5I and cross heading inserted (26.10.2000) by 2000 c. 22, ss. 46, 108(4), **Sch. 3 para. 13(1)(2)**; S.I. 2000/2849, **art. 2(e)**

Term of office and retirement of councillors

6 (1) ^{F16} . . . London borough councillors shall be elected by the local government electors for ^{F16} . . . the borough, ^{F16} . . . , in accordance with this Act and Part I of the [^{F17}Representation of the People Act 1983].

^{F18}(2)

(3) The ordinary election of London borough councillors shall take place in 1974 and [^{F19}every fourth year] thereafter, their term of office shall be [^{F19}four years] and they shall retire together in every [^{F19}such fourth year] 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.

^{F20}(4)

Textual Amendments

F16 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

F17 Words substituted by Representation of the People Act 1983 (c. 2, SIF 42), s. 206, **Sch. 8 para. 12**

F18 Sch. 2 para. 6(2) repealed by Local Government (Interim Provisions) Act 1984 (c. 53, SIF 81:1), s. 2(4)

F19 Words substituted by S.I. 1976/213, **art. 3**

F20 Sch. 2 para. 6(4) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), **Sch. 1 Pt. XII**

Modifications etc. (not altering text)

C2 Sch. 1 para. 6 extended (24.6.2003) by The Uncertificated Securities (Amendment) (Eligible Debt Securities) Regulations 2003 (S.I. 2003/1633), **reg. 15** {Sch. 2 para. 17}

Electoral divisions and wards

7 (1) Subject to the following provisions of this paragraph, for the purposes of the election of councillors—

^{F21}(a)

(b) every London borough shall be divided into wards, each returning such number of councillors as is specified in any order made under [^{F22}Part II of the Local Government Act 1992][^{F23}or Part 1 of the Local Government and Public Involvement in Health Act 2007][^{F24}or section 59 of the Local Democracy, Economic Development and Construction Act 2009];

and there shall be a separate election for each ^{F21} . . . ward.

(2) Until provision is made as mentioned in sub-paragraph (1)(b) above by an [^{F25}order referred to in sub-paragraph (1)(b) above], the number of councillors for each ward in a London borough shall be such as is specified in the provision of the charter for the borough or, as the case may be, of an order under Part III of Schedule 1 to the

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1963 Act amending that charter, which is in force on the coming into operation of Part IV of this Act.

^{F26}(3)

Textual Amendments

F21 Sch. 2 para. 7(1)(a) and words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, Sch. 17

F22 Words in Sch. 2 para. 7(1)(b)(2) substituted (31.10.1992) by Local Government Act 1992 (c. 19), s. 27(1), Sch. 3 para. 19(1)(2); S.I. 1992/2371, art.2

F23 Words in Sch. 2 para. 7(1)(b)(2) inserted (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 22, 245, Sch. 1 para. 11(4); S.I. 2007/3136, art. 2 (subject to art. 3)

F24 Words in Sch. 2 para. 7(1)(b) inserted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), Sch. 4 para. 4(2); S.I. 2009/3318, art. 4(ff)

F25 Words in Sch. 2 para. 7(2) substituted (1.4.2010) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 67(1), 148(3), Sch. 4 para. 4(3); S.I. 2009/3318, art. 4(ff)

F26 Sch. 2 paras. 7(3), 8 and Pt. II (paras. 9–14) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

^{F27}8

Textual Amendments

F27 Sch. 2 paras. 7(3), 8 and Pt. II (paras. 9–14) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

PART II E+W

^{F28}9–14

Textual Amendments

F28 Sch. 2 paras. 7(3), 8 and Pt. II (paras. 9–14) repealed by Statute Law (Repeals) Act 1978 (c. 45), s. 1(1), Sch. 1 Pt. XII

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)