

Status: Point in time view as at 01/02/1991.

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SCHEDULES

SCHEDULE 3

ESTABLISHMENT OF NEW AUTHORITIES IN ENGLAND

Division of non-metropolitan counties into districts

- 1 (1) The English Commission shall as soon as practicable after the passing of this Act make proposals to the Secretary of State for the division of non-metropolitan counties into districts, for defining the areas of those districts and for naming them, and the Secretary of State may give the Commission directions for their guidance in making any such proposals.
- (2) The Secretary of State shall by order give effect to any proposals under this paragraph either as submitted to him or with modifications, but an order shall not be made under this paragraph defining the areas of non-metropolitan districts unless a draft of the order has been approved by resolution of each House of Parliament.
- (3) An order under this paragraph shall, notwithstanding that it applies only to one or some of the non-metropolitan counties, proceed in Parliament as if its provisions would, apart from this paragraph, require to be enacted by a public Bill.

County and district councillors

- 2 Elections of councillors of the new principal councils shall be held on dates in 1973 fixed by the Secretary of State by order and the persons elected at these elections shall come into office on the fourth day after the day of election.
- 3 (1) For the purpose of any election of such councillors before the relevant year of election each county or district shall be divided into such electoral areas as may be specified in an order made by the Secretary of State after carrying out either before or after the passing of this Act such consultations as he thinks appropriate.
- (2) An order under this paragraph for any area shall specify the number of councillors to be returned for each electoral area and there shall be a separate election of councillors for each electoral area; and section 6(2)(a) above shall not apply to any such election.
- (3) An order under this paragraph may contain such incidental, consequential, transitional or supplementary provision as may appear to the Secretary of State to be necessary or proper.
- 4 (1) Of the district councillors elected under paragraph 2 above for any ward of a metropolitan district—
 - (a) one-third shall retire in 1975, being, subject to sub-paragraphs (2) and (3) below, those elected by the smallest numbers of votes;

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- (b) one-third shall retire in 1976, being, subject as aforesaid, those elected by the next smallest numbers of votes; and
 - (c) the remainder shall retire in 1978;
- in each case on the fourth day after the ordinary day of election of such councillors in the year of retirement.
- (2) In the case of an equality of votes between any persons elected which makes it uncertain which of them is to retire in any such year, the person or persons to retire in that year shall be determined by lot.
 - (3) If an election of district councillors under paragraph 2 above for any ward of a metropolitan district is not contested, the person or persons to retire in each such year shall be determined by lot.
 - (4) Where under this paragraph any question is to be determined by lot, the lot shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

First elections and meetings of new councils

- 5 (1) At the first elections of councillors for a new principal area the returning officer shall be an officer of the council appointed by such existing county, borough or urban or rural district council as the Secretary of State may by order designate and not a person appointed under section 41 above.
- (2) Section 42(5) above shall not apply to any such election, but all expenditure properly incurred by a returning officer or other officer in relation to the holding of any such election shall be paid in the first instance by the council by whom the returning officer was appointed and shall be defrayed by the existing authorities concerned in such proportions respectively as may be agreed between them or, in default of such agreement, as may be determined by the Secretary of State.
- (3) In relation to any such election “the appropriate officer” in Parts II and III of the ^{M1}Representation of the People Act 1949 means the returning officer appointed under this paragraph instead of having the meaning assigned to that expression by section 55(6)(b) of that Act.

Marginal Citations

M1 1949 c. 68.

- 6 (1) For the purpose of taking and receiving delivery of declarations of acceptance of the office of councillor of any new principal area under section 83 above before the first meeting of that council, the clerk of an existing authority designated by the committee established for the area under section 264 above shall be deemed to be and shall act as the proper officer of the council.
- (2) Any such declaration delivered by virtue of this paragraph to the said clerk shall be transferred by him to the custody of the proper officer of the new council on the appointment of the latter.

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- 7 (1) The first meeting of each new principal council shall be held within 21 days immediately following the day of election and shall be treated as the annual meeting of the council for 1973.
- (2) The meeting shall be convened by the clerk of an authority designated by the committee established for the area of the new council under section 264 above and shall be held at such place as he may appoint instead of such place as the council may direct as required by paragraph 4(1) of Schedule 12 to this Act.
- (3) The notice of the meeting required by paragraph 4(2) of that Schedule shall be published at the place where the meeting is to be held instead of at the council's offices and the summons to attend the meeting required by that paragraph shall be signed by the said clerk instead of by the proper officer of the council.
- 8 (1) Until the completion of the election of a chairman at the first meeting of a new principal council, persons designated by the committee established for the area of the council under section 264 above shall exercise any functions falling to be exercised by the chairman and vice-chairman of the council, but any person so designated shall not vote in the first instance at the election of the chairman unless he is a councillor for the new area.
- (2) At the first meeting of a new principal council the clerk or deputy clerk of an existing authority so designated shall exercise any functions falling to be exercised by the proper officer of the new council in relation to the meeting.
- (3) The standing orders for the regulation of the proceedings and business of an existing authority so designated shall apply at the first meeting of a new principal council.
- 9 The Secretary of State may himself exercise a committee's power of designation for the purposes of any provision of paragraph 6, 7 or 8 above if he is requested to do so on the ground that the committee is unlikely to exercise the power in time for that provision to operate.

Parish councillors

- 10 (1) Until provision is made to the contrary under Part I or Part IV of this Act—
- (a) the number of councillors for a parish which immediately before the passing of this Act was a borough included in a rural district, not being a borough divided into wards, shall be the same as the number of councillors for that borough;
- (b) where any such borough was immediately before the passing of this Act divided into wards for the purpose of elections to the council of the borough, the parish shall be divided into those wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the borough;
- (c) the number of councillors for a parish which immediately before the passing of this Act was co-extensive with a rural district which is not divided into wards shall be the same as the number of councillors for that rural district; and

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- (d) where a rural district which is co-extensive with a parish was immediately before the passing of this Act divided into wards for the purpose of elections to the council of the rural district, the parish shall be divided into those wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number to be elected for the corresponding ward of the rural district.
- (2) Until provision is made to the contrary under Part I or Part IV of this Act, the provisions of this sub-paragraph shall have effect with respect to the number of councillors for a parish constituted under Part V of Schedule 1 above and having an area co-extensive with that of an existing borough or urban district, that is to say—
- (a) if the area of the parish is co-extensive with that of a borough not divided into wards, the number of councillors for the parish shall be the same as the total number of councillors and aldermen for the borough;
 - (b) if the area of the parish is co-extensive with that of a borough which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be four-thirds of the number of councillors for the corresponding ward of the borough;
 - (c) if the area of the parish is co-extensive with that of an urban district not divided into wards, the number of councillors for the parish shall be the same as the number of councillors for the urban district;
 - (d) if the area of the parish is co-extensive with that of an urban district which is divided into wards, the parish shall be divided into the same wards for the purpose of elections of parish councillors and the number of councillors to be elected for each parish ward shall be the same as the number of councillors for the corresponding ward of the urban district;

and the numbers referred to in paragraphs (a) to (d) above shall be determined by reference to the electoral arrangements in the borough or urban district at the date on which the parish is constituted.

- (3) In the case of a parish constituted under Part V of Schedule 1 above and having an area co-extensive with part only of an existing borough or urban district, the Secretary of State shall by order make such provision with respect to—
- (a) the number of councillors for the parish as a whole,
 - (b) the division of the parish into wards, and
 - (c) if the parish is so divided, the number of councillors for each ward,

as appears to him to correspond, in relation to the part of the existing borough or urban district concerned, to the provision made by paragraphs (a) to (d) of sub-paragraph (2) above in the case of a parish the area of which is co-extensive with that of the whole of an existing borough or urban district; and the provision made by any such order shall have effect until provision is made to the contrary under Part I or Part IV of this Act.

Qualification for membership of local authority

- 11 For the purposes of section 79 above, in its application to a candidate for membership of a new local authority, the new local government areas shall be treated as having been established not less than 12 months before the day of his

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nomination as such a candidate or, in relation to an election not preceded by the nomination of candidates, before the day of election.

Suspension of elections

- 12 (1) No election of councillors of an existing county, borough (other than a London borough or a borough included in a rural district) or urban or rural district other than a rural district which is co-extensive with a parish shall be held after the end of the year 1972, except an election to fill a casual vacancy in an office where before the end of that year the office has been declared to be vacant or notice of the vacancy has been given under section 67(1) of the 1933 Act; and any such councillor holding office immediately before the end of that year or elected after the end of that year to fill a casual vacancy occurring before the end of that year shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office until 1st April 1974.
- (2) Subject to sub-paragraph (3) below any ordinary election of parish councillors due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the district in which the parish is situated; and any such councillor who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of parish councillors takes place in pursuance of this sub-paragraph.
- (3) No election of parish councillors shall be held after the end of the year 1972 for any existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act.
- (4) Subject to sub-paragraph (6) below, any parish councillor elected at the ordinary election of parish councillors in 1973 shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.
- (5) Any parish councillor—
- (a) for an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act; or
 - (b) for a parish to which part of any parish is added by paragraph 2 of the said Part IV;
- who holds office immediately before the end of 1972 or is appointed after the end of that year to fill a casual vacancy occurring before the end of that year shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1974.
- (6) Any parish councillor elected in 1973 for a parish mentioned in sub-paragraph (5) (b) above shall not act in his office before 1st April 1974 except for the purpose of taking any action with a view to enabling the new parish council to exercise their functions on and after that date.
- (7) No election of parish councillors shall be held in 1974 or 1975, and any parish councillor who (apart from this Act) would ordinarily have retired in 1974 or 1975 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the ordinary day of election of parish councillors in 1976.

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- (8) Any ordinary election of councillors of a borough included in a rural district or of a rural district which is co-extensive with a parish due (apart from this Act) to take place in May 1973 shall take place on the same day as the ordinary election in that year of councillors for the new district in which the borough or rural district is situated; and any councillor of any such borough or rural district who (apart from this Act) would ordinarily have retired on 20th May 1973 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until the fourth day after the day on which the election of councillors takes place in pursuance of this sub-paragraph.
- (9) The council of a borough included in a rural district shall, as from the date when the persons elected councillors of the borough in pursuance of sub-paragraph (8) above come into office, also be the council of the corresponding parish, and—
- (a) the persons so elected shall also hold office as councillors of the corresponding parish and, in the case of a borough divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
 - (b) the person who in 1973 is elected as mayor of the borough shall also hold office as chairman of the parish council until his successor becomes entitled to act as chairman; and
 - (c) the person who in 1973 is appointed deputy mayor of the borough shall also hold office as vice-chairman of the parish council until the abolition of the borough.
- (10) Without prejudice to the continued operation, until its repeal by this Act, of section 43(3) of the 1933 Act (council of a rural district which is co-extensive with a parish to have the functions of, and to be deemed to be, the parish council) the council of a rural district which is co-extensive with a parish shall, as from the date when the persons elected councillors of the rural district in pursuance of sub-paragraph (8) above come into office, also be the council of the parish, and—
- (a) the persons so elected shall also hold office as councillors of the parish and, in the case of a rural district divided into wards, be deemed also to have been elected for the corresponding wards of the parish;
 - (b) the person who in 1973 is elected as chairman of the rural district council shall also hold office as chairman of the parish council until his successor becomes entitled to act as chairman; and
 - (c) the person who in 1973 is appointed vice-chairman of the rural district council shall also hold office as vice-chairman of the parish council until the abolition of the rural district council.
- (11) Any person elected councillor as mentioned in sub-paragraph (9) or sub-paragraph (10) above shall come into office on the fourth day after the day of election and shall (unless he resigns his office or it otherwise becomes vacant) retire on the fourth day after the ordinary day of election of parish councillors in 1976.
- (12) As respects an existing county or borough (other than a London borough)—
- (a) no ordinary election of aldermen shall be held after the passing of this Act;
 - (b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1974 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that day; and

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- (c) any casual vacancy in the office of alderman occurring before 1st April 1974 shall not be filled unless the county or borough council resolve that it should be filled.
 - (13) It shall not be necessary to fill any casual vacancy occurring during March 1974 in the office of—
 - (a) chairman or vice-chairman of the council of an existing county or urban or rural district other than chairman of a rural district which is co-extensive with a parish; or
 - (b) mayor of an existing borough (other than a London borough or a borough included in a rural district).
 - (14) The foregoing provisions of this paragraph shall have effect subject to the provisions of paragraphs 13 and 14 below.
- 13
- (1) The provisions of this paragraph shall apply in relation to a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(2) above and also in relation to the borough or urban district the area of which is co-extensive with that of the parish; and, in relation to such a parish,—
 - (a) references in this paragraph to the order are references to the order under the said Part V constituting the parish, and
 - (b) references in this paragraph to the borough or urban district are references to the borough or urban district the area of which is co-extensive with that of the parish.
 - (2) As from the date specified in the order, the parish councillors shall be the aldermen and councillors for the time being of the borough or as the case may be, the councillors for the time being of the urban district, and, if the parish is divided into wards in accordance with paragraph 10(2) above—
 - (a) the councillors of the borough or urban district, in their capacity as parish councillors, shall be treated as having been elected for the wards of the parish corresponding to the wards of the borough or urban district for which they were elected; and
 - (b) in the case of a borough, each of the aldermen shall be treated, in his capacity as a parish councillor, as having been elected for such ward of the parish as shall be determined at a meeting of the parish council held within fourteen days after the date specified in the order.
 - (3) Each person who becomes a parish councillor by virtue of sub-paragraph (2) above shall (unless he resigns his office or it otherwise becomes vacant) continue to hold that office until the fourth day after the ordinary day of election of parish councillors in 1976.
 - (4) Until 1st April 1974 the persons for the time being holding office as mayor and deputy mayor of the borough or, as the case may be, as chairman and vice-chairman of the council of the urban district shall, by virtue of those offices, hold office as chairman and vice-chairman of the parish council, respectively; and the persons who, by virtue of this sub-paragraph, hold office as chairman and vice-chairman of the parish council immediately before 1st April 1974 shall, subject to section 15 above, continue to hold those offices on and after that date as if they had been elected to them at the annual meeting of the parish council held in 1973.

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- (5) Where this paragraph applies to a parish, then, as from the date specified in the order, paragraph 12(1) above shall not apply in relation to elections to fill casual vacancies in the office of councillor of the borough or urban district, as the case may be, and any casual vacancy which has not been filled on that date shall be deemed for the purposes of the 1933 Act to have arisen on that date; and without prejudice to sub-paragraph (3) above a councillor elected after that date to fill a casual vacancy shall, unless he resigns his office or it otherwise becomes vacant, continue to hold office as a councillor of the borough or urban district until 1st April 1974.
- (6) Where this paragraph applies to a parish, sub-paragraph (12)(c) and (13) of paragraph 12 above shall not apply in relation to the borough or urban district, as the case may be; and in the case of a borough any person appointed to fill a casual vacancy in the office of alderman of the borough shall be treated, in his capacity as a parish councillor, as having been elected for the same ward of the parish as that for which his predecessor as alderman was treated as having been elected by virtue of sub-paragraph (2)(b) above or this sub-paragraph.
- 14 In the case of a parish constituted under Part V of Schedule 1 above and falling within paragraph 10(3) above, the Secretary of State shall by order make such provision in relation to the councillors of the parish, the chairman and vice-chairman of the parish council and the aldermen and councillors of the borough, or as the case may be the councillors of the urban district, concerned as appears to him to be appropriate to secure for the parish and that borough or urban district a result corresponding, so far as practicable, with that produced in the case of a parish falling within paragraph 10(2) above, by sub-paragraphs (2) to (6) of paragraph 13 above.
- Annual meetings*
- 15 In the year 1973 the annual meeting of a borough council other than the council of a London borough or a borough included in a rural district shall be held on such day in the month of March, April or May as the council may fix.
- 16 In that year the annual meeting of the council of a parish or a borough included in a rural district which (apart from this Act) is due to be held on or within fourteen days after 20th May and, in the case of a rural district which is co-extensive with a parish, the annual meeting of the rural district council which (apart from this Act) is due to be held on or as soon as conveniently may be after that date shall instead be held on, or within 14 days after, the day on which the councillors elected at the ordinary elections of parish councillors or councillors of boroughs included in rural districts or rural district councillors in that year come into office.
- 17 In the year 1974—
- (a) it shall not be necessary for the parish meeting of an existing parish mentioned in paragraph 1 of Part IV of Schedule 1 to this Act to assemble as required by paragraph 1(1) of Part VI of Schedule 3 to the 1933 Act; and
 - (b) the parish meeting of a parish to which part of any parish is added by paragraph 2 of the said Part IV shall be held for the enlarged parish.

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Supplementary

- 18 In this Schedule “relevant year of election” means—
- (a) in relation to county councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new electoral divisions of the county as the result of the review of county electoral arrangements under Schedule 9 to this Act;
 - (b) in relation to district councillors, the first ordinary year of election of such councillors occurring after the making of the order constituting the new wards of the district in consequence of the review of district electoral arrangements under that Schedule.

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