



Local Government Act 1972

1972 CHAPTER 70

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Restrictions on voting

94 Disability of members of authorities for voting on account of interest in contracts, etc.

- (1) Subject to the provisions of section 97 below, if a member of a local authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.
- (2) If any person fails to comply with the provisions of subsection (1) above he shall for each offence be liable on summary conviction to a fine not exceeding [^{F1}level 4 on the standard scale] unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.
- (4) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority while any contract, proposed contract or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.
- (5) The following, that is to say—
 - (a) the receipt by the chairman, vice-chairman or deputy chairman of a principal council of an allowance to meet the expenses of his office or his right to receive, or the possibility of his receiving, such an allowance;

Status: Point in time view as at 22/08/1996. This version of this provision has been superseded.

Changes to legislation: Local Government Act 1972, Section 94 is up to date with all changes known to be in force on or before 30 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)

- (b) the receipt by a member of a local authority of an allowance or other payment under any provision of sections 173 to 176 below [^{F2}or paragraph 25 of Schedule 2 to the Police Act 1996][^{F3}or under any scheme made by virtue of section 18 of the Local Government and Housing Act 1989] or his right to receive, or the possibility of his receiving, any such payment;
 shall not be treated as a pecuniary interest for the purposes of this section.

Textual Amendments

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
F2 Words in [s. 94\(5\)\(b\)](#) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 21**
F3 Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), **Sch. 11 para. 22**

Modifications etc. (not altering text)

- C1** [Ss. 94-96](#) applied (01.12.1991) with modifications by [Water Resources Act 1991 \(c. 57, SIF 130\)](#), s. 14, **Sch. 4, Pt. II, para. 14(1)**.
C2 [S. 94](#) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 74(12)**
C3 [S. 94](#) applied with modifications by virtue of [Land Drainage Act 1976 \(c. 70, SIF 73:1\)](#), **Sch. 1 para. 14B(1)**, as inserted by [Water Act 1983 \(c. 23, SIF 130\)](#), s. 11(2), **Sch. 4 para. 6**
[Ss. 94-98](#) extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 10(1)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
[Ss. 94-98](#) 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)**
[Ss. 94-98](#) applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**
[Ss. 94-99](#) applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**
[Ss. 94-98](#) applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
[Ss. 94-98](#) applied (1.4.1996) by 1995 c. 25, s. 19, **Sch. 5 para. 14(1)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#)); S.I. 1996/186, **art. 3**
[Ss. 94-98](#) 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)**
[Ss. 94-98](#): power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(i)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
C4 [S. 94](#) applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
[S. 94](#): certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
C5 [S. 94](#) applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
[S. 94](#): certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.

Status:

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