
STATUTORY INSTRUMENTS

1996 No. 263

The Charter Trustees Regulations 1996

Number of charter trustees and appointment of local government electors as trustees

7.—(1) If at the establishment date the number of councillors constituting the charter trustees for any city or town is less than three, the charter trustees shall consist of those councillors and such number of local government electors for the area for which the charter trustees act appointed by the relevant council as will make the number of charter trustees up to three.

(2) Where one local government elector, or two local government electors, as the case may be, fall to be appointed by the relevant council as charter trustees they shall be appointed —

- (a) as soon as practicable after the charter trustees are established; and
- (b) at the annual meeting of the relevant council in the next year in which the ordinary elections of councillors for—
 - (i) non-metropolitan district councils in relation to which there is no order in force providing for the election of district councillors by thirds are to take place, if the relevant council is a non-metropolitan district council, or
 - (ii) county council elections are to take place, if the relevant council is a county council; and
- (c) every fourth year thereafter.

(3) Any local government elector appointed as charter trustee shall (subject to the provisions of these Regulations), hold office until the time fixed for the meeting of the next annual meeting of the relevant council at which under paragraph (2) above appointments shall fall to be made.

(4) Where the number of councillors constituting the charter trustees is increased to two, such one of the local government electors appointed as aforesaid as may be determined by the relevant council shall forthwith cease to hold office as a charter trustee.

(5) Where the number of councillors constituting the charter trustees is increased to three or more, any local government elector appointed as aforesaid shall forthwith cease to hold office as a charter trustee.

(6) Sections 80(1)(b) and (d), 80(5), 81(1) and (2) and 92 of the 1972 Act⁽¹⁾ shall apply to a local government elector being appointed, or holding office as, a charter trustee as they apply to a person being elected to, or being a member of, a local authority, subject to any necessary modifications.

(7) For section 80(1)(e) of the 1972 Act⁽²⁾ there shall be substituted—

- “(e) is disqualified for being a member of the relevant council under Part III of the Representation of the People Act 1983 or for being a charter trustee under Part III of the Local Government Finance Act 1982, and in this paragraph “the relevant council”

(1) Section 80(5) was amended by Schedule 6 to the Local Government Finance Act 1982 (c. 32), with the savings described in section 38(5) of that Act; section 81(1) was substituted by paragraph 22 of Schedule 8 to the Insolvency Act 1985 (c. 65); section 92 was amended by sections 38 and 46 of the Criminal Justice Act 1982 (c. 48), Schedule 14 to the Local Government Act 1985 (c. 51), Schedule 6 to the Norfolk and Suffolk Broads Act 1988 (c. 4) and Schedule 13 to the Education Reform Act 1988 (c. 40).

(2) Amended by Schedule 8 to the Representation of the People Act 1983 (c. 2) and paragraph 5(1) of Schedule 5 to the Local Government Finance Act 1982.

means the council of the county or district in which is comprised the area for which charter trustees are established by any statutory instrument made under Part II of the Local Government 1992”.

(8) A local government elector appointed as a charter trustee may at any time resign his office by written notice delivered to the proper officer of the relevant council and his resignation shall take effect upon receipt of the notice by the proper officer.

(9) The relevant council may remove from office a local government elector appointed as a charter trustee under this regulation if, in their opinion, he has, without sufficient cause, failed to attend two or more consecutive meetings of the charter trustees.

(10) A casual vacancy in the office of charter trustee shall arise at any time when—

(a) a local government elector appointed as a charter trustee ceases to be a local government elector for the area for which the charter trustees act, becomes disqualified, resigns, is removed by the relevant council under paragraph (9) above or dies; or

(b) under electoral arrangements for the time being in force the number of councillors constituting the charter trustees is reduced to two or one, as the case may be.

(11) When any such casual vacancy arises the relevant council shall, as soon as practicable, appoint a local government elector for the area for which the charter trustees act to fill the vacancy.

(12) A local government elector appointed under paragraph (11) above shall (subject to the provisions of these Regulations) hold office until the time fixed for the meeting of the next annual meeting of the relevant council at which under paragraph (2) above appointments fall to be made.

(13) Where there are so many vacancies in the office of councillor for the relevant area that the charter trustees are unable to act, the relevant council may appoint local government electors for the area for which the charter trustees act to fill up all or any of the vacancies until other councillors for the relevant area are elected and take up office.

(14) The acts and proceedings of any person appointed and acting as charter trustee shall, notwithstanding his qualification or want of qualification, be as valid and effectual as if he had been qualified.

(15) If the register of local government electors is not so framed as to show the local government electors for the area for which the charter trustees act, the registration officer shall make such alteration thereof as may be proper for that purpose.

(16) In this regulation—

“local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Act 1983;⁽³⁾

“proper officer” has the same meaning as in the 1972 Act.⁽⁴⁾

(3) See, in particular, section 9.

(4) See section 270(3).