



Local Government Act 1972

1972 CHAPTER 70

PART VI

DISCHARGE OF FUNCTIONS

104 Disqualification for membership of committees and joint committees.

- (1) Subject to subsection (2) below, a person who is disqualified under Part V of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee (including a sub-committee) of that authority, or being a representative of that authority on a joint committee (including a sub-committee) of the authority and another local authority, whether the committee or joint committee are appointed under this Part of this Act or under any other enactment.
- (2) A person shall not by reason of his being a teacher in, or being otherwise employed in, any school, ^{F1} . . . or other educational institution maintained or assisted by a [^{F2}local authority] be disqualified for being a member of any committee of any local authority—
 - (a) appointed wholly or partly for the purpose of discharging [^{F3}any education functions as defined in section 579(1) of the Education Act 1996]; or
 - (b) appointed for purposes connected with the execution of the ^{M1}Public Libraries and Museums Act 1964;or for being a representative of a local authority on a joint committee of the authority and another authority which has been appointed or established for any such purpose.
- (3) Section 92 above shall, so far as applicable, apply with respect to membership of or a claim to be entitled to act as a member of a committee of a local authority or a joint committee of two or more local authorities as it applies to membership of or claims to be entitled to act as a member of a local authority.
- (4) In the application of this section to the Common Council for the reference to Part V of this Act there shall be substituted a reference to the enactments for the time being in force relating to disqualification for membership of the Common Council.

^{F4}(5)

Changes to legislation: Local Government Act 1972, Section 104 is up to date with all changes known to be in force on or before 21 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

Textual Amendments

- F1** Word repealed by [Education Reform Act 1988](#) (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. II**
- F2** Words in s. 104(2) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(2)(a)**
- F3** Words in s. 104(2)(a) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 26(2)(b)**
- F4** S. 104(5) omitted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017](#) (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 39**; S.I. 2018/227, **reg. 4(c)**

Modifications etc. (not altering text)

- C1** Ss. 101-106 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. 101-106 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. 101-106 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)**
- Ss. 101-106 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(1)** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- Ss. 103-106 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 104 modified (8.5.2000) by 1999 c. 29, **s. 39(1)(2)(4)** (with **Sch. 12 para. 9(1)**); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**
- C2** Ss. 101-104 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1777), **art. 17(1)**
- Ss. 101-104 applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004](#) (S.I. 2004/1778), **art. 17(1)**
- C3** S. 104 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006](#) (S.I. 2006/2790), art. 2, **Sch. para. 15**
- C4** S. 104 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)
- C5** S. 104 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)
- C6** Ss. 101-106 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**
- C7** S. 104 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**
- C8** S. 104 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**
- C9** S. 104(1) excluded (1.4.2013) by [The Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013](#) (S.I. 2013/218), regs. 1(2), **5(1)** (with reg. 5(2))
- C10** S. 104(1) applied (with modifications) (1.4.2015) by [The Local Audit \(Auditor Panel\) Regulations 2014](#) (S.I. 2014/3224), regs. 1(1), **8(2)(3)** (with reg. 1(3))
- C11** S. 104(4) excluded by 1990 c. 8, s. 319ZA(3) (as inserted) (6.9.2015 for specified purposes, 5.5.2017 in so far as not already in force) by [Planning \(Wales\) Act 2015](#) (anaw 4), **ss. 39(1), 58(2)(b)(4)(b)**; S.I. 2017/546, art. 3(a))

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Marginal Citations

M1 1964 c. 75.

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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](#)