



Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Staff

112 Appointment of staff.

- (1) Without prejudice to section 111 above but subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority's functions as fall to be discharged by them and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 113 below.
- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.

[^{F1}(2A) A local authority's power to appoint officers on such reasonable terms and conditions as the authority thinks fit is subject to section 41 of the Localism Act 2011 (requirement for determinations relating to terms and conditions of chief officers to comply with pay policy statement) [^{F2}and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to [^{F3}remuneration] of [^{F4}chief executives]).]]

- (3) Subject to subsection (4) below, any enactment or instrument made under an enactment which requires or empowers all local authorities or local authorities of any description or committees of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.

The reference in this section to committees of local authorities does not include a reference to any committee of which some members are required to be appointed by a body or person other than a local authority.

Changes to legislation: Local Government Act 1972, Section 112 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

- (4) Subsection (3) above does not apply to the following officers, that is to say—
- ^{F5}(a)
 - (b) chief education officers appointed under [^{F6}section 532 of the Education Act 1996];
 - ^{F7}(c)
 - ^{F8}(d)
 - ^{F5}(e)
 - (f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the ^{M1}Agriculture Act 1970; and
 - (g) directors of social services appointed under section 6 of the ^{M2}Local Authority Social Services Act 1970 [^{F9}or section 144 of the Social Services and Well-being (Wales) Act 2014];
- and it is hereby declared that subsection (3) above does not apply ^{F10} ... to any other person appointed by a local authority to perform a specified function.
- (5) Without prejudice to the provisions of subsection (1) above, a parish or community council may appoint one or more persons from among their number to be officers of the council, without remuneration.
- (6) Nothing in this section affects the operation of section 5 of the 1963 Act or the ^{M3}Local Authorities (Goods and Services) Act 1970.

Textual Amendments

- F1** S. 112(2A) inserted (15.1.2012 for E., 31.1.2012 for W.) by [Localism Act 2011 \(c. 20\), ss. 41\(4\), 240\(3\)\(a\); S.I. 2012/193, art. 2\(a\)](#)
- F2** Words in s. 112 inserted (W.) (1.4.2014) by [Local Government \(Democracy\) \(Wales\) Act 2013 \(anaw 4\), ss. 63\(3\), 75\(3\); S.I. 2014/380, art. 2](#)
- F3** Word in s. 112(2A) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), ss. 55\(8\), 175\(3\)\(i\)](#)
- F4** Words in s. 112(2A) substituted (5.5.2022) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(7\), Sch. 5 para. 1; S.I. 2021/231, art. 6\(s\)](#)
- F5** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 102, Sch. 17](#)
- F6** Words in s. 112(4)(b) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\), Sch. 37 Pt. I para. 23 \(with ss. 1\(4\), 561, 562, Sch. 39 paras. 30, 36, 19\)](#)
- F7** S. 112(4)(c) repealed (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\), ss. 53, 54, 61, Sch. 1 para. 40, Sch. 2; S.I. 2004/2304, art. 2\(2\) \(subject to art. 3\); S.I. 2004/2917, art. 2](#)
- F8** S. 112(4)(d) repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\), s. 98, Sch. 13 Pt. I](#)
- F9** Words in s. 112(4)(g) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\), regs. 2\(1\), 30](#)
- F10** Words repealed by virtue of [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. XI](#)

Modifications etc. (not altering text)

- C1** S. 112 extended by [City of London \(Various Powers\) Act 1977 \(c. xv\), s. 19](#)
- C2** S. 112 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\), ss. 1, 57\(7\), Sch. 13 para. 12\(b\)](#)
- C3** S. 112 modified (07.08.1991) by [S.I. 1991/1773, art. 8\(2\), Sch. 2](#)
- S. 112: certain functions transferred (07.08.1991) by [S.I. 1991/1773, art. 8, Sch. 2](#)
- C4** S. 112 modified (10.01.1992) by [S.I. 1991/2913, art. 8\(2\), Sch. 2](#)
- S. 112: certain functions transferred (10.01.1992) by [S.I. 1991/2913, art.8\(1\)\(3\), Sch.2](#)

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- S. 112 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- S. 112: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
- S. 112 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
- S. 112 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- S. 112: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**
- C5** S. 112 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 112 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C6** Ss. 112-117 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. 112 modified by 1999 c. 29, Sch. 27A para. 3(1) (as inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 15**; S.I. 2018/227, art. 2(b)(iii))
- C8** S. 112(1)(2)(5) applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**
- C9** S. 112(2)(5) applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**

Marginal Citations

- M1** 1970 c. 40.
- M2** 1970 c. 42.
- M3** 1970 c. 39.

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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](#)