



# Local Government Act 1986

## 1986 CHAPTER 10

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **10 Retirement and re-election not to affect membership of joint authority.**

- (1) In section 32 of the Local Government Act 1985, after subsection (1) (appointment to joint authority to terminate if person appointed ceases to be a member of constituent council) insert—

“(1A) For the purposes of this section a person shall not be treated as ceasing to be a member of a constituent council where he retires by virtue of—

- (a) section 7(3) of the Local Government Act 1972 (retirement of metropolitan district councillors), or
- (b) paragraph 6(3) of Schedule 2 to that Act (retirement of London borough councillors),

and is re-elected to membership of the council not later than the day of his retirement.”.

- (2) In section 31 of that Act (replacement of members of joint authority), at the end add—

“(3) Where a constituent council exercises its powers under this section to replace a person who has continued to be a member of a joint authority by virtue of section 32(1A) below and notice is given not later than seven days after the council’s annual meeting next following his retirement and re-election, his appointment shall terminate and the new appointment shall take effect upon the notice being given.”;

and in subsection (2)(b) after “subject to” insert “subsection (3) below and to”.

- (3) In Schedule 12 to the <sup>M1</sup>Local Government Act 1972 for paragraph 6A (annual meeting of the new authorities) substitute—

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- “6A (1) Paragraph 1 above applies to a joint authority as it applies to a principal council, except that the annual meeting of the authority shall be held on such day between 1st March and 30th June (both inclusive) as the authority may fix.
- (2) Paragraph 1 above applies to the Inner London Education Authority as it applies to the council of a London borough.”.

**Marginal Citations**

**M1** 1972 c. 70.

**[<sup>F1</sup>11 Allowances payable to members of new authorities.**

- (1) Section 177 of the Local Government Act 1972 (supplementary provisions as to allowances payable to members of local authorities and other bodies) is amended as follows.
- (2) In subsection (2) (meaning of “approved duty”: things done as member of certain prescribed bodies), for “paragraphs (b) to (f) of subsection (1) above” (which does not reflect the amendment made to subsection (1) by paragraph 19 of Schedule 14 to the <sup>M2</sup>Local Government Act 1985) substitute “paragraphs (ab) to (f) of subsection (1) above”.
- (3) After that subsection insert—
- “(2A) References in sections 173 and 173A above to a local authority and a councillor include references—
- (a) to the Inner London Education Authority and a member of the Authority, and
  - (b) to a joint authority and a member of the authority appointed by one of the authority’s constituent councils;
- and in relation to such a member of a joint authority the references in section 173A(3) to his election shall be construed as references to his appointment.”.
- (4) In subsection (3) (co-opted members of committees to be treated as members of authority) after “For the purposes of sections 173 to 176 above”, insert “(but not for the purposes of subsection (2A) above)”.
- (5) The reference in section 177(2A) of the <sup>M3</sup>Local Government Act 1972 (as inserted by subsection (3) above) to members of the Inner London Education Authority shall be construed, in relation to the period before elected members of the Authority first take office, as a reference to persons who are members of the Authority by virtue of section 18(5) of the <sup>M4</sup>Local Government Act 1985 and who are, or immediately before its abolition were, councillors of the Greater London Council.
- (6) Section 84(2) and (3) of the Local Government Act 1985 (application of local authority provisions to new authorities) apply in relation to this section and the amendments made by this section as if they had been contained in Schedule 14 to that Act as originally enacted.

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- (7) A person who was a member of the Inner London Education Authority or a joint authority at any time before the commencement of this section may within one month of commencement give such notices under section 173A of the Local Government Act 1972 (right to opt for financial loss allowance) as he could have given if the amendments made by this section had come into force on the date on which they are, by virtue of subsection (6), deemed to have come into force and, in the case of a member of the Inner London Education Authority, as if he had been elected to membership of that authority on the date on which he became a member.]

#### Textual Amendments

- F1** S. 11 repealed (prosp. ) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(4), 195(2), [Sch. 12 Pt. I](#)

#### Marginal Citations

- M2** 1985 c. 51.  
**M3** 1972 c. 70.  
**M4** 1985 c. 51.

### General

## 12 Short title, commencement and extent.

- (1) This Act may be cited as the Local Government Act 1986.
- (2) The provisions of this Act come into force as follows—  
<sup>F2</sup> .....  
Part II, except section 5, comes into force on 1st April 1986;  
section 5 comes into force on such day as the Secretary of State may appoint by order made by statutory instrument;  
Part III, except section 8, comes into force on the day this Act is passed;  
section 8 comes into force on 1st April 1986;  
Part IV comes into force on the day this Act is passed.
- (3) Part II<sup>F3</sup>, other than sections 4A and 4B,] and this section extend to England and Wales and Scotland; the other provisions of this Act extend to England and Wales only.

#### Subordinate Legislation Made

- P1** Power of appointment conferred by s. 12(2) fully exercised: 1.4.1988 appointed for s. 5 by [S.I. 1987/2003, art. 2](#)

#### Textual Amendments

- F2** Words repealed by [Local Government Finance Act 1988 \(c. 41, SIF 81:1\)](#), s. 149, [Sch. 13 Pt. I](#)  
**F3** Words in s. 12(3) inserted (30.3.2014) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), ss. 39(2), 49(2)

**Changes to legislation:**

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