



Local Government Act 2000

2000 CHAPTER 22

PART II

ARRANGEMENTS WITH RESPECT TO EXECUTIVES ETC.

^{F1}Leader and cabinet executives (England)

Textual Amendments

- F1** Ss. 44A-44H and cross-heading inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\), ss. 67, 245\(2\)](#)

44A Election of leader: whole-council elections

- (1) This section applies to a local authority if it—
 - (a) is subject to whole-council elections, and
 - (b) is, on the day of a post-election annual meeting, operating a leader and cabinet executive (England).
- (2) The executive leader is to be elected at the post-election annual meeting.
- (3) But if the council fails to elect the executive leader at the post-election annual meeting, an executive leader is to be elected at a subsequent meeting of the council.
- (4) For the purposes of this section and section 44D—
 - (a) a local authority is subject to whole-council elections if, under the scheme for the ordinary elections of its councillors, all of the councillors are elected in each year in which the elections are held;
 - (b) “post-election annual meeting” means the first annual meeting of a local authority to be held after ordinary elections take place.

Status: Point in time view as at 30/12/2007.

Changes to legislation: Local Government Act 2000, Cross Heading: Leader and cabinet executives (England) is up to date with all changes known to be in force on or before 28 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)

44B Election of leader: partial-council elections

- (1) This section applies to a local authority if it—
 - (a) is subject to partial-council elections, and
 - (b) is, on the day of a relevant annual meeting, operating a leader and cabinet executive (England).
- (2) The executive leader is to be elected at the relevant annual meeting.
- (3) But if the council fails to elect the executive leader at the relevant annual meeting, the executive leader is to be elected at a subsequent meeting of the council.
- (4) For the purposes of this section and section 44E—
 - (a) a local authority is subject to partial-council elections if, under the scheme for the ordinary elections of its councillors, one-half or one-third (or, in either case, as nearly as may be) of the councillors are elected in each year in which the elections are held;
 - (b) “relevant annual meeting” means—
 - (i) the first annual meeting to be held after the local authority starts to operate the leader and cabinet executive (England), or
 - (ii) any subsequent annual meeting held on a day when an executive leader's term of office is to end by virtue of section 44E(3).

44C Removal of leader

- (1) Executive arrangements by a local authority which provide for a leader and cabinet executive (England) may include provision for the council to remove the executive leader by resolution.
- (2) If a council passes a resolution to remove the executive leader, a new executive leader is to be elected—
 - (a) at the meeting at which the leader is removed from office, or
 - (b) at a subsequent meeting.

44D Term of office of leader: whole-council elections

- (1) This section applies to the executive leader of a local authority which—
 - (a) is operating a leader and cabinet executive (England), and
 - (b) is subject to whole-council elections.
- (2) The executive leader's term of office starts on the day of his election as leader.
- (3) The executive leader's term of office ends on the day of the post-election annual meeting which follows his election as leader.
- (4) But if the executive leader is removed from office in accordance with section 44C, his term of office ends on the day of his removal.

44E Term of office of leader: partial-council elections

- (1) This section applies to the executive leader of a local authority which—
 - (a) is operating a leader and cabinet executive (England), and
 - (b) is subject to partial-council elections.

Status: Point in time view as at 30/12/2007.

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- (2) The executive leader's term of office starts on the day of his election.
- (3) The executive leader's term of office ends on the day when the council holds its first annual meeting after the leader's normal day of retirement as a councillor.
- (4) But that is subject to subsections (5) and (6).
- (5) If the executive leader is removed from office in accordance with section 44C, his term of office ends on the day of his removal.
- (6) If the local authority becomes subject to whole-council elections, the executive leader's term of office ends on the day of the annual meeting which follows the first whole-council elections.
- (7) For the purposes of this section an executive leader's normal day of retirement as a councillor is the day when the leader would next be required to retire as a councillor of the council if section 44F were disregarded.

44F Leader to continue to hold office as councillor

- (1) The executive leader of a leader and cabinet executive (England) remains a member of the council during his term of office as leader.
- (2) Accordingly, any enactment which provides for his earlier retirement as a councillor does not apply.
- (3) This section does not affect anything by which the executive leader may cease to be a councillor otherwise than by retirement (including disqualification or resignation).

44G No other means of electing or removing leader

- (1) This section applies to a local authority which operate a leader and cabinet executive (England).
- (2) An executive leader may not be elected except in accordance with section 44A, 44B or 44C or regulations under section 44H.
- (3) An executive leader may not be removed from office except in accordance with section 44C or regulations under section 44H.

44H Regulations

- (1) The Secretary of State may by regulations make provision—
 - (a) as to the dates on which and years in which executive leaders of leader and cabinet executives (England) are to be elected by local authorities,
 - (b) as to the intervals between elections of executive leaders of leader and cabinet executives (England),
 - (c) as to the term of office of an executive leader of a leader and cabinet executive (England), and
 - (d) as to the filling of vacancies in the office of executive leader of a leader and cabinet executive (England).
- (2) Sections 44A to 44E are subject to regulations under this section.]

Status:

Point in time view as at 30/12/2007.

Changes to legislation:

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