

## SCHEDULES

### SCHEDULE 3

Section 46.

#### AMENDMENTS TO THE 1972 ACT

- 1 (1) Section 2 of the Local Government Act 1972 (constitution of principal councils in England) is amended as follows.
  - (2) After subsection (2) there is inserted—

“(2A) Where a council mentioned in subsection (1) or (2) above are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and councillors.”
- 2 (1) Section 3 of that Act (chairman of principal council in England) is amended as follows.
  - (2) After subsection (1) there is inserted—

“(1A) A member of the executive of a principal council may not be elected as the chairman of the council.”
  - (3) After subsection (4) there is inserted—

“(4A) Subsection (4) above shall have effect in relation to a district council which are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive as if it provided for the elected mayor of the council to have precedence in the district, but this subsection shall not apply if the executive arrangements provide for it not to apply.”
- 3 (1) Section 5 of that Act (vice-chairman of principal council in England) is amended as follows.
  - (2) After subsection (1) there is inserted—

“(1A) A member of the executive of a principal council may not be appointed as the vice-chairman of the council.”
- 4 (1) Section 21 of that Act (constitution of principal councils in Wales) is amended as follows.
  - (2) After subsection (1) there is inserted—

“(1A) Where a council falling within subsection (1) are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the council shall consist of an elected mayor, a chairman and councillors.”
- 5 (1) Section 22 of that Act (chairman of principal council in Wales) is amended as follows.
  - (2) After subsection (1) there is inserted—

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“(1A) A member of the executive of a principal council may not be elected as the chairman of the council.”

(3) After subsection (4) there is inserted—

“(4A) Subsection (4) above shall have effect in relation to a principal council which are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive as if it provided for the elected mayor of the council to have precedence in the area of that council, but this subsection shall not apply if the executive arrangements provide for it not to apply.”

6 (1) Section 24 of that Act (vice-chairman of principal council in Wales) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) A member of the executive of a principal council may not be appointed as the vice-chairman of the council.”

7 (1) Section 25A of that Act (title of chairman or vice-chairman of county borough council) is amended as follows.

(2) After subsection (2) there is inserted—

“(3) This section does not apply where a county borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.”

8 (1) Section 80 of that Act (disqualifications for election and holding office as member of local authority) is amended as follows.

(2) In subsection (1)(a) after “or deputy chairman” there is inserted “or, in the case of a local authority which are operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive”.

9 (1) Section 83 of that Act (declaration of acceptance of office) is amended as follows.

(2) In subsection (1), after “councillor” there is inserted “or elected mayor”.

(3) In subsection (3), after paragraph (a) there is inserted—

“(aa) an elected mayor of the council to which the declarant is elected; or”.

10 (1) Section 84 of that Act (resignation) is amended as follows.

(2) In subsection (1), after “Act” there is inserted “or elected as an elected mayor”.

11 (1) Section 245 of that Act (status of certain districts, parishes and communities) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) Subsection (1)(b) above does not apply where the council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.”

12 (1) Section 270 of that Act (general provisions as to interpretation) is amended as follows.

(2) In subsection (1), after the definition of “Easter break” there is inserted—

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““elected mayor” has the same meaning as in Part II of the Local Government Act 2000;”.

(3) In subsection (1), after the definition of “electoral area” there is inserted—

““executive”, “executive arrangements” and “executive leader” have the same meaning as in Part II of the Local Government Act 2000;”.

(4) In subsection (1), after the definition of “land” there is inserted—

““leader and cabinet executive” has the same meaning as in Part II of the Local Government Act 2000;”.

(5) In subsection (1), after the definition of “local statutory provision” there is inserted—

““mayor and cabinet executive” and “mayor and council manager executive” have the same meaning as in Part II of the Local Government Act 2000;”.

(6) After subsection (4) there is inserted—

“(4A) Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, subsection (4) above shall have effect with the omission of paragraphs (a) and (b).”

13 (1) Schedule 2 to that Act (constitution and membership of London borough councils) is amended as follows.

(2) After paragraph 5 there is inserted—

*“Modifications of preceding provisions*

5A Where a London borough council are operating executive arrangements which involve a leader and cabinet executive—

(a) paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

“(1A) A member of the executive of a London borough council may not be elected as the mayor of the borough.”,

(b) paragraph 5 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—

“(1A) A member of the executive of a London borough council may not be appointed as the deputy mayor.”

5B Where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive, the preceding provisions of this Schedule shall have effect with the modifications specified in paragraphs 5C to 5I below.

5C The council shall consist of an elected mayor, a chairman and councillors.

5D Paragraphs 2(1) and 2(5) above shall have effect as if for the expression “mayor of a London borough” there were substituted “chairman of a London borough council”.

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- 5E Paragraph 2 above shall have effect as if the following sub-paragraph were inserted after sub-paragraph (1)—
- “(1A) A member of the executive of a London borough council may not be elected as the chairman of the council.”
- 5F Paragraphs 2(2) to (4) and 3 above shall have effect as if for any reference to “mayor” there were substituted “chairman”.
- 5G Paragraph 2(5) above shall have effect as if it provided for the elected mayor to have precedence in the borough, but this paragraph shall not apply if the executive arrangements provide for it not to apply.
- (5H) Paragraph 5 above shall have effect as if for sub-paragraphs (1) to (3) there were substituted—
- “(1) A London borough council shall appoint a member of the council to be vice-chairman of the council.
- (1A) A member of the executive of a London borough council may not be appointed as the vice-chairman of the council.
- (2) The vice-chairman shall, unless he resigns or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Schedule relating to the retirement of councillors.
- (3) Subject to any standing orders made by the council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.”
- 5I Paragraph 5(4) above shall have effect as if for the expression “deputy mayor” there were substituted “vice-chairman”.
- 14 (1) Schedule 12 to that Act (meetings and proceedings of local authorities) is amended as follows.
- (2) In paragraph 5, after sub-paragraph (3) there is inserted—
- “(4) A member of an executive of a principal council may not be chosen to preside under sub-paragraph (3) above.
- (5) Sub-paragraphs (2)(c) and (3)(c) above do not apply where a London borough council are operating executive arrangements which involve a mayor and cabinet executive or a mayor and council manager executive.”