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STATUTORY INSTRUMENTS

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**2001 No. 2237**

**The Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001**

**Mayor and cabinet executives**

47.—(1) The provisions in this article apply in relation to executive arrangements by a local authority which involve a mayor and cabinet executive.

(2) For the purposes of this article an elected mayor, deputy mayor or member of the executive is to be considered unable to act only if he is either suspended from office or is unfit to act on health grounds.

(3) If for any reasons—

- (a) the elected mayor is unable to act or the office of elected mayor is vacant;
- (b) the deputy mayor is unable to act or the office of deputy mayor is vacant; and
- (c) only one other member of the executive is able to act,

that other member must act in the elected mayor's place.

(4) Subject to paragraphs (5) and (6), if for any reason—

- (a) the elected mayor is unable to act or the office of elected mayor is vacant; and
- (b) no other member of the executive is able to act or, because of vacancies, there are no other members of the executive,

the authority shall, as soon as reasonably practicable, appoint a councillor of the authority ("the interim mayor") to act in the place of the elected mayor and appoint at least two, but not more than nine, councillors of the authority ("the interim members") to act in the place of members of the executive appointed by the elected mayor.

(5) The interim mayor and interim members shall not appoint councillors of the authority to the executive nor remove them from office.

(6) For the purposes of section 11(8) of the Local Government Act 2000 (local authority executives), the interim mayor and interim members shall be treated as if they are not members of the executive.

(7) Notwithstanding section 80 of the 1972 Act (disqualifications for election and holding office as a member of a local authority) or section 35 of the Local Government Act 1985 (disqualification), a person shall not be disqualified from being a member of a local authority or, as the case may be, a joint authority solely because he is an interim mayor or an interim member.

(8) Where the interim mayor or an interim member ceases to be a councillor, he shall at the same time cease to be the interim mayor or, as the case may be, an interim member.

(9) The authority may, if it thinks fit, remove the interim mayor or an interim member from office.

(10) Any interim mayor and interim member, unless he resigns as interim mayor or, as the case may be, as interim member, ceases to be a councillor or is removed from office, shall hold office until—

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) the elected mayor becomes able to act;
  - (b) where the office of elected mayor was vacant, a new elected mayor takes up office; or
  - (c) a member of the executive appointed by the elected mayor becomes able to act,
- whichever occurs first.