

Status: Point in time view as at 24/03/2011.

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SCHEDULES

SCHEDULE 12

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

- C1** Sch. 12 modified (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), [art. 6](#)
- C1** Sch. 12 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1, 86\(9\)](#)
- C1** Sch. 12 modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 2\(4\)](#)
- C1** Sch. 12 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 160\(2\)](#)
Sch. 12: power conferred to make provisions about matters of the kind dealt with in this Schedule (1.9.1997) by [1997 c. 50, s. 44\(1\)](#), [Sch. 4\(a\)\(ii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)

PART V

COMMUNITY MEETINGS

- 30 (1) A community meeting may be convened at any time—
- (a) in a case where there is a community council, by the chairman of the council or by any two councillors representing the community on the council, and
 - (b) in any case, by any six local government electors for the community.
- [^{F1}(2) Except in a case falling within sub-paragraph (3) below, public notice of any community meeting shall be given not less than 7 clear days before the meeting.
- (3) Where any business proposed to be transacted at a community meeting relates to any of the matters mentioned in section 29B(4) of this Act, public notice of the meeting shall be given not less than 30 clear days before the meeting.
- (3A) The notice required by sub-paragraph (2) or (3) above shall—
- (a) specify the time and place of the intended meeting;
 - (b) specify the business to be transacted at the meeting; and
 - (c) be signed by the person or persons convening the meeting.]
- (4) Public notice of a community meeting shall be given—
- (a) by posting a notice of the meeting in some conspicuous place or places in the community, and
 - (b) in such other manner, if any, as appears to the person or persons convening the meeting to be desirable for giving publicity to the meeting.

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Textual Amendments

F1 Sch. 12 para. 30(2)(3)(3A) substituted (1.4.1996) for Sch. 12 para. 30(2)(3) by 1994 c. 19, s. 12(2); S.I. 1995/3198, art. 3, Sch. 1

- 31 The chairman of a community council shall be entitled to attend a community meeting for the community (or, where a grouping order is in force, for any of the communities comprised in the group) whether or not he is a local government elector for the community, but if he is not such an elector he shall not be entitled to give any vote at the meeting other than any casting vote which he may have by virtue of paragraph 34(3) below.
- 32 (1) The proceedings at a community meeting shall not commence earlier than 6 o'clock in the evening.
- (2) A community meeting shall not be held in [^{F2}premises which at the time of the meeting may, by virtue of a premises licence or temporary event notice under the Licensing Act 2003, be used for the supply of alcohol (within the meaning of section 14 of that Act)] , except in cases where no other suitable room is available for such a meeting either free of charge or at a reasonable cost.

Textual Amendments

F2 Words in Sch. 12 para. 32(2) substituted (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 201(2), Sch. 6 para. 61(3)(b) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

- 33 (1) In a community for which there is a community council, the chairman of the council, if present, shall preside at a community meeting.
- (2) In any other case, a community meeting shall appoint a person to be chairman at that meeting.
- 34 (1) Subject to the provisions of this Act, each local government elector may, at a community meeting or at a poll consequent thereon, give one vote and no more on any question.
- (2) A question to be decided by a community meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded.
- (3) In the case of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to any other vote he may have.
- (4) A poll may be demanded before the conclusion of a community meeting on any question arising at the meeting; but no poll shall be taken unless either the person presiding at the meeting consents or the poll is demanded by not less than ten, or one-third, of the local government electors present at the meeting, whichever is the less.
- (5) A poll consequent on a community meeting shall be a poll of those entitled to attend the meeting as local government electors, and shall be taken by ballot in accordance with rules made by the Secretary of State, and the provisions of the rules with respect to elections of community councillors under section 42 above and of the enactments mentioned in section 165(1) of the ^{M1}Representation of the People Act 1949 shall,

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subject to any adaptations, alterations or exceptions made by the first-mentioned rules, apply in the case of a poll so taken as if it were a poll for the election of community councillors.

- (6) Rules made under sub-paragraph (5) above shall be laid before each House of Parliament as soon as may be after they are made.

Marginal Citations

M1 1949 c. 68.

- 35 (1) Minutes of the proceedings of a community meeting shall be drawn up and entered in a book provided for the purpose by the proper officer of the community council where there is one or, where there is not, the proper officer of the council of the [^{F3}principal area] in which the community is situated and shall be signed at the conclusion of the community meeting by the person presiding at the meeting, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Until the contrary is proved, a community meeting in respect of the proceedings of which a minute has been made and signed as mentioned in sub-paragraph (1) above shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified.

Textual Amendments

F3 Words in Sch. 12 para. 35(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 62**; S.I. 1996/396, art. 4, **Sch. 2**

- 36 Subject to the provisions of this Act a community meeting may regulate their own proceedings and business.
- 37 (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may on request be lent to the returning officer at a poll consequent on a community meeting on such terms and conditions as the Treasury may determine.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request and if not required for immediate use by that authority, be lent as aforesaid on such terms and conditions as may be agreed.
- 38 If any person, in a poll consequent on a community meeting—
- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark; or
 - (b) without due authority supplies a ballot paper to any person; or
 - (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
 - (d) fraudulently takes out of the polling station any ballot paper; or
 - (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the poll;
- he shall—

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- (i) if he is a returning officer, or an authorised person appointed to assist in taking the poll or counting the votes, be liable on conviction on indictment to imprisonment for a term not exceeding two years; and
- (ii) in any other case, be liable, on conviction on indictment or summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £50, or both.

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