



# Local Government Act 1972

## 1972 CHAPTER 70

### PART II **W**

#### LOCAL GOVERNMENT AREAS AND AUTHORITIES IN WALES

##### Extent Information

**E1** Part II (ss. 20-38) extends to Wales only: see [s. 38](#)

#### *New local government areas*

### **20** New local government areas in Wales. **W**

- (1) For the administration of local government on and after 1st April 1974 Wales shall be divided into local government areas to be known as counties and in those counties there shall be local government areas to be known as districts.
- (2) The counties shall be those named in Part I of Schedule 4 to this Act and shall comprise the areas respectively described (by reference to administrative areas existing immediately before the passing of this Act) in column 2 of that Part of that Schedule.
- (3) In the counties specified in column 1 of Part II of that Schedule there shall be the districts respectively specified in column 2 of Part II of that Schedule and those districts shall comprise the areas respectively described as aforesaid in column 3 of that Part of that Schedule, and the Secretary of State may by order provide a name for any such district.
- (4) On and after 1st April 1974 every district shall consist of one or more areas to be known as communities which shall be established in accordance with the following paragraphs:—

*Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.*

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- (a) the area of each borough existing immediately before that date shall on that date become a community of the district in which it is comprised and shall be known by the same name as the borough's;
  - (b) the area of each urban district then existing which is wholly comprised in a district shall on that date become a community of that district and shall be known by the same name as the urban district's;
  - (c) the area of each rural parish then existing shall on that date become a community of the district in which it is comprised and shall be known by the same name as the parish's;
  - (d) in the districts specified in column 1 of Part III of Schedule 4 to this Act there shall on that date be established the communities respectively named in column 2 of that Part of that Schedule and described (by reference to administrative areas existing immediately before the passing of this Act) in column 3 of that Part of that Schedule.
- (5) Part IV of Schedule 4 to this Act shall have effect in relation to the boundaries of the new local government areas.
- (6) On 1st April 1974 all local government areas existing immediately before that date, that is to say, all administrative counties, boroughs, urban districts, rural districts and urban and rural parishes, shall cease to exist, and the following shall also cease to exist—
- (a) the council of every such area which has a council;
  - (b) in the case of a borough, the municipal corporation of the borough;
  - (c) in the case of a parish, the parish meeting;
  - (d) in the case of a parish for which there is no separate parish council, the representative body of the parish;
  - (e) in the case of parishes included in a group, the common parish council.
- (7) In this section “Wales” includes the administrative county of Monmouthshire and the county borough of Newport.

### *Principal councils*

## **21 Constitution of principal councils in Wales. W**

- (1) For every county there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
  - (2) For every district there shall be a council consisting of a chairman and councillors and the council shall have all such functions as are vested in them by this Act or otherwise.
  - (3) Each council mentioned in subsection (1) or (2) above shall be a body corporate [<sup>F1</sup>and, subject to subsection (4) below, shall be known] by the name “The County Council” or “The District Council”, as the case may be, with the addition of the name of the particular county or district.
- [<sup>F2</sup>(4) If and so long as this subsection is in force in relation to a principal council, subsection (3) above shall have effect in relation to that council as if for the words “The County Council” there were substituted “Cyngor Sir” or, as the case may be, as if for the words “The District Council” there were substituted “Cyngor Dosbarth”.

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- (5) Subsection (4) above shall come into force in relation to a principal council three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council's description shall be used; and that subsection shall cease to be in force in relation to a principal council three months after the day on which, at a specially convened meeting of the council, it is resolved by a similar majority that the Welsh language form of the council's description shall cease to be used.]

#### Textual Amendments

- F1** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), s. 160, **Sch. 8 para. 2**
- F2** [S. 21\(4\)\(5\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, **Sch. 8 para. 2(2)**

### *Members of principal councils*

## 22 Chairman. **W**

- (1) The chairman of a principal council shall be elected annually by the council from among the councillors.
- (2) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (3) During his term of office the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of councillors.
- (4) The chairman of a district council shall have precedence in the district, but not so as prejudicially to affect Her Majesty's royal prerogative.
- (5) A principal council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

#### Modifications etc. (not altering text)

- C1** [S. 22](#) applied (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 4(1)**

## 23 Election of chairman. **W**

- (1) The election of the chairman shall be the first business transacted at the annual meeting of a principal council.
- (2) If, apart from section 22(3) above or section 24(2) below, the person presiding at the meeting would have ceased to be a member of the council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

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**Modifications etc. (not altering text)**

C2 S. 23 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

**24 Vice-chairman. W**

- (1) A principal council shall appoint a member of the council to be a 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 Act 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.
- (4) A principal council may pay the vice-chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.

**Modifications etc. (not altering text)**

C3 S. 24 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 4(1)

**25 Term of office and retirement of councillors. W**

- (1) Councillors for a principal area shall be elected by the local government electors for that area in accordance with this Act and Part I of the [<sup>F3</sup>Representation of the People Act 1983].
- (2) For the purposes of the election of councillors—
  - (a) every county shall be divided into electoral divisions, each returning (subject to paragraph 2 of Schedule 5 to this Act) one councillor; and
  - (b) every district shall be divided into wards, each returning such number of councillors as may be provided by an order under the said paragraph 2 or under or by virtue of the provisions of section 26 below or Part IV of this Act; and there shall be a separate election for each electoral division or ward.

**Textual Amendments**

F3 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)

VALID FROM 03/04/1995

**[<sup>F4</sup>25A Title of chairman or vice-chairman of county borough council. W**

- (1) The chairman of a county borough council is entitled to the style of “mayor” or “maer”.

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(2) The vice-chairman of a county borough council is entitled to the style of “deputy mayor” or “dirprwy faer”.]

#### Textual Amendments

**F4** S. 25A inserted (3.4.1995) by 1994 c. 19, s. 66(5), **Sch. 15 para. 3** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**

## 26 Elections of councillors. **W**

(1) The ordinary elections of county councillors shall take place in 1973 and every fourth year thereafter, their term of office shall be four years and they shall retire together in every such fourth year on the fourth day after the ordinary day of election of county councillors, and in and after 1977 the newly elected councillors shall come into office on the day on which their predecessors retire.

(2) Subject to subsection (3) below, a district council may in pursuance of the requisite resolution request the Secretary of State to provide—

- (a) for a system of whole council elections, that is to say, the holding of the ordinary elections of all the councillors of the district simultaneously; or
- (b) for a system of elections by thirds, that is to say, the election of one-third, as nearly as may be, of the councillors of the district at the ordinary elections of such councillors in any year;

indicating, in the case of a request under paragraph (b) above, those areas, if any, in which there should, and those, if any, in which there should not, be wards each returning a number of councillors which is divisible by three.

In this subsection “the requisite resolution” means in the case of a resolution passed before 1st April 1974 a resolution passed by a majority, and in the case of a resolution passed on or after that date a resolution passed by not less than two-thirds, of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object.

(3) A resolution may not be passed under subsection (2) above within ten years of a previous resolution thereunder.

(4) Where the Secretary of State receives a request under subsection (2)(a) above from a district council or does not before 1st April 1974 receive a request from a district council under subsection (2)(b) above, he may make an order providing for the ordinary elections of all the district councillors to be held simultaneously and the order may contain the like provision, and shall be treated, as if made under section 58 below.

(5) Where the Secretary of State receives a request under subsection (2)(b) above from a district council he may ask the Welsh Commission to make proposals in the light of the request with respect to—

- (a) the number, boundaries and names of the wards into which the district should be divided and the number of councillors to be elected for each ward;
- (b) the order of retirement of councillors elected for wards not returning a number of councillors which is divisible by three;

and, where the Commission have not completed their review of the electoral arrangements for the district under paragraph 10 of Schedule 10 to this Act, they shall

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as part of that review consider the proposals to be made under this subsection and, in any other case, sections 59, 60 and 61 below shall apply to the consideration by the Commission of any such proposals as they apply to their conduct of a review under section 57 below and any such proposals shall be treated as if made under section 58 below.

- (6) The ordinary elections of district councillors shall take place—
- (a) except where an order is in force providing for the election of district councillors by thirds, in 1973, 1976, 1979 and every fourth year thereafter; and
  - (b) where such an order is in force, in the year when the order comes into force and every year thereafter other than a year of election of county councillors.
- (7) The following provisions of this subsection shall, subject to the provisions of any order made under or by virtue of this section, have effect with respect to district councillors—
- (a) their term of office shall be three years in the case of the councillors elected at the ordinary elections in 1973 and 1976 and four years in the case of those elected at ordinary elections held thereafter;
  - (b) except where an order is in force providing for the election of councillors by thirds, the whole number of the councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1976 the newly elected councillors shall come into office on the day on which their predecessors retire; and
  - (c) where such an order is in force, one-third of the whole number of the councillors in each ward returning a number of councillors which is divisible by three and, as nearly as may be, one-third of the whole number of the councillors in the other wards, being those who have been councillors of the district for the longest time without re-election, shall retire in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in every such year the newly elected councillors shall come into office on the day on which their predecessors retire.

### *Communities*

## **27 Community meetings and councils. W**

- (1) A meeting of the local government electors for a community (hereafter in this Act referred to as a community meeting) may be convened for the purpose of discussing community affairs and exercising any functions conferred by any enactment on such meetings.
- (2) For the purpose of exercising functions on and after 1st April 1974 there shall be a community council for—
  - (a) every community which is co-extensive with the area of a rural parish existing immediately before that date and having a separate parish council;
  - (b) every group of communities the areas of which are co-extensive with the areas of rural parishes existing immediately before that date and grouped under a common parish council; and
  - (c) any other community in respect of which the Secretary of State has directed under subsection (3) or (4) below that there is to be a community council.

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- (3) The Secretary of State shall, on an application in writing made to him before 1973 by the council of an existing borough (except an excepted borough) or of an existing urban district, being a borough or district the area of part of the area of which is co-extensive with the area of a community, direct that there shall be a council for the community for the purpose of exercising functions on and after 1st April 1974.
- (4) The Secretary of State may, without any application under subsection (3) above, but after such consultations as he thinks proper, direct not later than 30th June 1973 that for the said purpose there shall be a community council for a particular community the area of which is co-extensive with the area or part of the area of an existing borough (except an excepted borough) or of an existing urban district.
- (5) A community meeting of a community having a separate community council may, after 1st April 1974 and before the submission to the Secretary of State of the report of the Commission on the special community review relating to that community, apply to the district council for the dissolution of the community council, and thereupon the district council may by order dissolve the community council.
- (6) In this section “excepted borough” means the borough of Cardiff, Merthyr Tydfil, Newport, Port Talbot, Rhondda or Swansea.

## 28 Establishment and dissolution of community councils. **W**

- (1) A community meeting of a community which has not a separate community council and is not co-extensive with a district may, at any time except as provided by section 30 below, apply to the district council for an order establishing a council for the community, and thereupon the district council shall make such an order accordingly.
- (2) An order establishing a separate community council for a community shall make such provision as appears to the district council to be necessary for the election of a community council in accordance with this Act and Part I of the [F5Representation of the People Act 1983].
- (3) An order shall not be made under this section establishing a separate community council for a community grouped under a common community council unless by that order or an order under section 29(4) below the community is separated from the group or the group is dissolved, and where the group is not dissolved, the order under this section shall make such provision as appears to the district council to be necessary for the alteration of the community council of the group.
- (4) A community meeting of a community having a separate community council may, at any time except as provided by section 30 below, apply to the district council for the dissolution of the community council, and thereupon the district council shall by order dissolve the community council.

### Textual Amendments

F5 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)



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## 29 Orders for grouping communities, dissolving groups and separating communities from groups. W

- (1) A community meeting of a community may, at any time except as provided by section 30 below, apply to the district council for an order grouping the community with some neighbouring community or communities in the same district under a common community council or by adding the community to an existing group of such communities under such a council, and the district council may thereupon make an order accordingly, but subject to subsection (2) below.
- (2) Communities shall not be grouped without the consent of a community meeting of each of the communities.
- (3) A grouping order shall make the necessary provision—
  - (a) for the name of the group;
  - (b) for the election in accordance with this Act and Part I of the <sup>F6</sup>Representation of the People Act 1983] of separate representatives on the community council for each community or for the wards of any community or, in the case of an order which adds a community to the group, for that community or for the wards of that community;
  - (c) for the application to the communities included in the group of all or any of the provisions of section 37 of the <sup>M1</sup>Charities Act 1960 (parochial charities) and of any of the provisions of this Act with respect to the custody of community documents, so as to preserve the separate rights of each community;
  - (d) for the dissolution of the separate community council of any community included in the group;

and the order may provide for any necessary adaptations of this Act to the group of communities.
- (4) The council of a group of communities or a community meeting of a community included in a group of communities may, at any time except as provided by section 30 below, apply to the district council for an order dissolving the group or separating one or more of those communities from the group, and the district council may thereupon make an order accordingly, and an order so made shall make such provision as appears to the district council to be necessary for the election of a community council for any of the communities in the group, where it is dissolved, and for any of the communities separated from the group, where it is not.

### Textual Amendments

**F6** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, [Sch. 8 para. 12](#)

### Modifications etc. (not altering text)

**C4** [S. 29](#) excluded by [S.I. 1979/1123](#), [art. 4\(2\)](#)

### Marginal Citations

**M1** [1960 c. 58](#).



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VALID FROM 01/04/1996

**[<sup>F7</sup>29A Community councils for groups of communities: dissolution. W**

- (1) The council of a group of communities may apply to the principal council within whose area the communities lie for an order dissolving the group.
- (2) A community meeting of a community included in a group of communities may apply to the principal council within whose area the community lies for an order separating the community from the group.
- (3) If, on any application under this section, the principal council are satisfied that—
  - (a) the relevant requirements of section 29B below and Schedule 12 to this Act have been complied with, and
  - (b) in the case of an application under subsection (1) above, that a community meeting of each of the communities in the group has consented to the dissolution of the community council,they shall make the order applied for.
- (4) Where a community council are dissolved by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for any of the communities in the group in accordance with this Act and Part I of the Representation of the <sup>M2</sup>People Act 1983.
- (5) Where a community is separated from a group by an order under this section, the order shall make such provision as appears to the principal council to be necessary for the election of a community council for the community in accordance with this Act and Part I of the Representation of the <sup>M3</sup>People Act 1983.
- (6) Subject to section 30 below, an application under subsection (1) above may be made at any time.
- (7) This section is subject to section 29B below.]

**Textual Amendments**

**F7** S. 29A inserted (1.4.1996) by 1994 c. 19, s. 11 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

**Marginal Citations**

**M2** 1983 c. 2.  
**M3** 1983 c. 2.

VALID FROM 01/04/1996

**[<sup>F8</sup>29B Community councils: applications under section 28, 29 or 29A. W**

- (1) An application under section 28, 29 or 29A above may be made only if—
  - (a) a poll of the local government electors in the community has been held;
  - (b) a majority of those voting in the poll supports the proposal; and

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- (c) in the case of an application under section 29(1)(a), the application is made jointly with the communities to be grouped under the common community council.
- (2) In the case of an application under section 29A(1), paragraphs (a) and (b) of subsection (1) above apply in relation to each of the communities concerned.
- (3) The consent required by section 29(2)(b) or 29A(3)(b) above may be given by a community meeting only if—
  - (a) a poll of the local government electors in the community has been held; and
  - (b) a majority of those voting in the poll supports the proposal.
- (4) At any community meeting at which there is discussed a proposal—
  - (a) for the establishment, or for the dissolution, of a community council,
  - (b) for the grouping of the community with another community or communities (on an application under section 29(1)(a) or (b) above), under a common community council;
  - (c) for the separation of the community from the communities with which it is grouped under a common community council;
  - (d) for the dissolution of the common community council for the communities with which it is grouped;
  - (e) for the giving of the consent required by section 29(2)(b) or 29A(3)(b) above, a decision to hold a poll on the question shall be effective only if not less than the required number of local government electors is present and voting.
- (5) The required number of local government electors is such number as is equal to 30% of the local government electorate or, if that number exceeds 300, is 300.
- (6) No poll shall be held for the purposes of this section before the end of the period of 42 days beginning with the day on which the decision to hold the poll was taken.
- (7) Paragraph 34 of Schedule 12 to this Act (voting at community meetings) shall have effect subject to the provisions of this section.
- (8) Where the result of any poll (“the previous poll”) held for the purposes of this section is the rejection of the proposal with respect to which the poll was held, no further poll on that question shall be held before the end of the period of two years beginning with the date on which the previous poll was held.]

#### Textual Amendments

**F8** S. 29B inserted (1.4.1996) by 1994 c. 19, s. 12(1) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, Sch. 1

### 30 Restriction on community applications during and after reviews. W

- (1) Subject to subsection (3) below, no community application shall be made in relation to any community—
  - (a) until the expiration of two years beginning with the coming into force of an order under Schedule 10 to this Act consequent on the report of the Commission on the special community review relating to that community; or

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- (b) during the two years beginning with the coming into force of an order relating to the community under Part IV of this Act consequent on the report or proposals of the Commission or Commissions on a review under that Part of this Act of the county or district of which the community forms part or, as the case may be, of the community; or
  - (c) during the two years beginning with the coming into force of an order made under this Part of this Act on a community application in relation to the community.
- (2) In relation to an application under section 28(4) above subsection (1) above shall have effect as if for the words “two years”, in each place where they occur, there were substituted the words “five years”.
- (3) The Secretary of State may, on an application made by the Commission or Commissions at any time when conducting a review under Part IV of this Act or on an application by a district council at any time when conducting such a review, direct that no community application shall be made in relation to any community affected by the review until the Secretary of State further directs.
- (4) Notwithstanding anything in subsections (1) and (2) above but without prejudice to subsection (3) above, the Secretary of State may permit the making of a community application in relation to a community if requested to do so by the council of the district in which the community is situated or by the community council (if any) or a community meeting of the community.
- (5) In this section “community application” means any application under section 28 or 29 above.

### 31 Provision supplementary to sections 27 to 29. **W**

- (1) An order made by a district council under section 27, 28 or 29 above may contain such incidental, consequential, transitional or supplementary provision as may appear to the district council to be necessary or proper for the purposes or in consequence of the order or for giving full effect thereto, and may include provision with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities.
- (2) Where any such order is made, section 68 below shall apply as if the order were made under Part IV of this Act.
- (3) Two copies of every such order shall be sent to the Secretary of State.

#### Modifications etc. (not altering text)

- C5 S. 31 applied (5.7.1994) by 1994 c. 19, ss. 48(3), 66(2)(a) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))

### 32 Constitution of community meeting. **W**

- (1) A community meeting of a community shall consist of local government electors for the community.

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- (2) A community meeting may authorise the person presiding and two other local government electors present at the meeting to do anything or any class of things authorised by the meeting.
- (3) Any act of a community meeting may be signified by an instrument signed by the person presiding and two other local government electors present at the meeting.

### 33 Constitution and powers of community council. **W**

- (1) A community council shall consist of the chairman and community councillors and shall have all such functions as are vested in the council by this Act or otherwise.
  - (2) The community council shall be a body corporate [<sup>F9</sup>and, subject to subsection (2A) below, shall be known] by the name “The Community Council” with the addition of the name of the particular community.
- [<sup>F10</sup>(2A) If and so long as this subsection is in force in relation to a community council, subsection (2) above shall have effect in relation to that council as if for the words “The Community Council” there were substituted “Cyngor Cymuned”
- (2B) Subsection (2A) above shall come into force in relation to a community council three months after the day on which, at a specially convened meeting of the council, it is resolved by a two-thirds majority of the members present and voting that the Welsh language form of the council’s description shall be used; and that subsection shall cease to be in force in relation to a community council three months after the day on which, at a specially convened meeting of the council, it is resolved by a similar majority that the Welsh language form of the council’s description shall cease to be used.]
- (3) Notwithstanding anything in any rule of law, a community council need not have a common seal, but where a community council have no seal any act of theirs which is required to be signified by an instrument under seal may be signified by an instrument signed and sealed by two members of the council.

#### Textual Amendments

- F9** Words inserted as provided by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 3\(1\)](#)
- F10** [S. 33\(2A\)\(2B\)](#) inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 160, [Sch. 8 para. 3\(2\)](#)

VALID FROM 03/04/1995

### [<sup>F11</sup>33A Consultation with community councils. **W**

- (1) The Secretary of State may by order designate any matter—
  - (a) for the purposes of subsection (2) below; or
  - (b) for the purposes of subsection (3) below.
- (2) Where a new principal council are to consider any proposal which relates to a matter which is designated for the purposes of this subsection, the council shall—

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- (a) afford the relevant community councils an opportunity to make representations to them about the proposal;
  - (b) before making any decision in relation to the proposal, take into account any representations made to them by any relevant community council with respect to the proposal; and
  - (c) when they take a decision with respect to the proposal, notify without delay any relevant community council by whom any such representations have been made.
- (3) If a community council have given written notice to the relevant principal council—
- (a) that they wish to be consulted about a specified proposal which is to be considered by the principal council, and which relates to a matter designated for the purposes of this subsection, or
  - (b) that they wish to be consulted about any proposal which is to be considered by the principal council and which relates to such a matter,
- the principal council shall take the steps mentioned in subsection (2) above in relation to that community council.
- (4) An order under this section may—
- (a) prescribe circumstances (including, in particular, the need to act with urgency) in which subsections (2) and (3) above do not apply;
  - (b) give the Secretary of State power, in such circumstances as may be prescribed by the order, to provide that in relation to any principal council specified by him, those subsections shall not apply or shall apply only to the extent specified by him.
- (5) A contravention of the duty imposed by subsection (2) or (3) above shall not affect the validity of any decision of a principal council or of anything done in pursuance of any such decision.
- (6) In this section—
- “relevant community council”, in relation to a principal council, means the council of any community which is, or group of communities which are, within the area of the principal council; and
  - “relevant principal council”, in relation to any community council, means the principal council within whose area the community is, or group of communities are, situated.
- (7) The power to make an order under this section shall include power—
- (a) to make such incidental, consequential, transitional or supplemental provision as the Secretary of State thinks necessary or expedient; and
  - (b) to make different provision for different areas, including different provision for different localities and for different authorities.]

#### Textual Amendments

**F11** S. 33A inserted (3.4.1995) by 1994 c. 19, s. 14 (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 3(1), Sch. 1

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### **34 Chairman and vice-chairman of community council. W**

- (1) The chairman of a community council shall be elected annually by the council from among the councillors.
- (2) The election of a chairman shall be the first business transacted at the annual meeting of the community council and if, apart from subsection (8) below, the person presiding at the meeting would have ceased to be a member of the community council, he shall not be entitled to vote in the election except in accordance with subsection (3) below.
- (3) In the case of an equality of votes in the election of a chairman the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (5) A community council may pay the chairman for the purpose of enabling him to meet the expenses of his office such allowance as the council think reasonable.
- (6) A community council may appoint a member of the council to be vice-chairman of the council.
- (7) 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.
- (8) During their term of office the chairman and vice-chairman shall continue to be members of the council notwithstanding the provisions of this Act relating to the retirement of community councillors.
- (9) Subject to any standing orders made by the community council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

### **35 Community councillors. W**

- (1) Community councillors shall be elected by the local government electors for the community in accordance with this Act and Part I of the [F12Representation of the People Act 1983].
- (2) Subject to any provision included in an order by virtue of section 67 below, the ordinary elections of community councillors shall take place in 1974, 1979 and every fourth year thereafter, their term of office shall be five years in the case of those elected at the ordinary elections in 1974 and four years in the case of those elected at ordinary elections held thereafter, and the whole number of community councillors shall retire together in every ordinary year of election of such councillors on the fourth day after the ordinary day of election of such councillors, and in and after 1979 the newly elected councillors shall come into office on the day on which their predecessors retire.
- (3) Where a community is not divided into community wards there shall be one election of community councillors for the whole community.
- (4) Where a community is divided into community wards there shall be a separate election of community councillors for each ward.

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**Textual Amendments**

**F12** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), s. 206, **Sch. 8 para. 12**

<sup>F13</sup>**36** ..... **W**

.....  
**Textual Amendments**

**F13** S. 36 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. IV**

*Miscellaneous*

**37** **Establishment of new authorities in Wales.** **W**

Schedule 5 to this Act shall have effect with respect to the establishment of new local authorities in Wales, the suspension of elections of members of existing local authorities there and related matters.

**38** **Extent of Part II.** **W**

This Part of this Act shall extend to Wales only.



**Status:**

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**Changes to legislation:**

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