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Local Government Act 1972

1972 CHAPTER 70

PART II **W**

LOCAL GOVERNMENT AREAS AND AUTHORITIES IN WALES

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.

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- (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.

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 [^{F1}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

F1 Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\), s. 206, Sch. 8 para. 12](#)

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VALID FROM 03/04/1995

[^{F2}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”.
- (2) The vice-chairman of a county borough council is entitled to the style of “deputy mayor” or “dirprwy faer”.]

Textual Amendments

- F2** 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.

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- (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 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.

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