



Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Staff

112 Appointment of staff.

- (1) Without prejudice to section 111 above but subject to the provisions of this Act, a local authority shall appoint such officers as they think necessary for the proper discharge by the authority of such of their or another authority's functions as fall to be discharged by them and the carrying out of any obligations incurred by them in connection with an agreement made by them in pursuance of section 113 below.
- (2) An officer appointed under subsection (1) above shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him think fit.
- (3) Subject to subsection (4) below, any enactment or instrument made under an enactment which requires or empowers all local authorities or local authorities of any description or committees of local authorities to appoint a specified officer shall, to the extent that it makes any such provision, cease to have effect.

The reference in this section to committees of local authorities does not include a reference to any committee of which some members are required to be appointed by a body or person other than a local authority.

- (4) Subsection (3) above does not apply to the following officers, that is to say—
 - ^{F1}(a)
 - (b) chief education officers appointed under [^{F2}section 532 of the Education Act 1996];
 - (c) chief officers and other members of fire brigades maintained under the ^{M1}Fire Services Act 1947;

Status: Point in time view as at 31/10/1997.

Changes to legislation: Local Government Act 1972, Cross Heading: Staff is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- ^{F3}(d)
- ^{F1}(e)
- (f) agricultural analysts and deputy agricultural analysts appointed under section 67(3) of the ^{M2}Agriculture Act 1970; and
- (g) directors of social services appointed under section 6 of the ^{M3}Local Authority Social Services Act 1970;

and it is hereby declared that subsection (3) above does not apply . . . ^{F4} to any other person appointed by a local authority to perform a specified function.

- (5) Without prejudice to the provisions of subsection (1) above, a parish or community council may appoint one or more persons from among their number to be officers of the council, without remuneration.
- (6) Nothing in this section affects the operation of section 5 of the 1963 Act or the ^{M4}Local Authorities (Goods and Services) Act 1970.

Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, **Sch. 17**
- F2** Words in [s. 112\(4\)\(b\)](#) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(2), **Sch. 37 Pt. I para. 23** (with ss. 1(4), 561, 562, [Sch. 39 paras. 30, 36, 19](#))
- F3** [S. 112\(4\)\(d\)](#) repealed by [Weights and Measures Act 1985 \(c. 72, SIF 131\)](#), s. 98, **Sch. 13 Pt. I**
- F4** Words repealed by virtue of [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. XI**

Modifications etc. (not altering text)

- C1** [S. 112](#) extended by [City of London \(Various Powers\) Act 1977 \(c. xv\)](#), **s. 19**
- C2** [S. 112](#) amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C3** [S. 112](#) modified (07.08.1991) by [S.I. 1991/1773](#), art. 8(2), **Sch. 2**.
[S. 112](#): certain functions transferred (07.08.1991) by [S.I. 1991/1773](#), art. 8, **Sch. 2**.
- C4** [S. 112](#) modified (10.01.1992) by [S.I. 1991/2913](#), art. 8(2), **Sch. 2**.
[S. 112](#): certain functions transferred (10.01.1992) by [S.I. 1991/2913](#), art.8(1)(3), **Sch.2**.
[S. 112](#) extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
[S. 112](#): certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by [S.I. 1995/1042](#), **art. 3(3)**
[S. 112](#) modified (1.4.1995) by [S.I. 1995/401](#), art. 18, **Sch. para. 1(b)**
[S. 112](#) extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, [Sch. 8 para. 7](#))
[S. 112](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), reg. 2(1), **Sch. 1**
- C5** [S. 112](#) applied (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 17(6)**
[S. 112](#) applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 17(6)**
- C6** [S. 112\(2\)\(5\)](#) applied (4.3.1996) by [S.I. 1996/263](#), **reg. 10(1)**

Marginal Citations

- M1** 1947 c. 41.
- M2** 1970 c. 40.
- M3** 1970 c. 42.
- M4** 1970 c. 39.

Status: Point in time view as at 31/10/1997.

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113 Placing of staff of local authorities at disposal of other local authorities.

(1) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, but shall not enter into any such agreement with respect to any officer without consulting him.

[^{F5}(1A) Without prejudice to any powers exercisable apart from this section, a local authority may enter into an agreement with a [^{F6}Health Authority, Special Health Authority][^{F7} or NHS trust]—

(a) for the placing at the disposal of the [^{F8}Health Authority, Special Health Authority][^{F7} or NHS trust] for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the local authority;

(b) for the placing at the disposal of the local authority for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the [^{F9}Health Authority, Special Health Authority][^{F7} or NHS trust];

but a local authority shall not enter into an agreement in pursuance of paragraph (a) of this subsection in respect of any officer without consulting him.]

(2) For superannuation purposes service rendered by an officer of a local authority whose services are placed at the disposal of another local authority in pursuance of this section is service rendered to the authority by whom he is employed, but any such officer shall be treated for the purposes of any enactment relating to the discharge of local authorities' functions as an officer of that other local authority.

[^{F10}(3) An officer whose services are placed at the disposal of a local authority in pursuance of subsection (1A) of this section shall be treated as an officer of the authority for the purposes of any enactment relating to the discharge of local authorities' functions.]

[^{F11}(4) In subsection (1A) above “NHS trust” means a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990.]

Textual Amendments

- F5** S. 113(1A) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(1)**
- F6** Words in s. 113(1A) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 97(2)(a)** (with Sch. 2 paras. 6, 16)
- F7** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 13(a)**
- F8** Words in s. 113(1A)(a) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 97(2)(b)** (with Sch. 2 paras. 6, 16)
- F9** Words in s. 113(1A)(b) substituted (28.6.1995 for certain purposes otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. III para. 97(2)(c)** (with Sch. 2 paras. 6, 16)
- F10** S. 113(3) added by National Health Service Reorganisation Act 1973 (c. 32), **Sch. 4 para. 151(2)**
- F11** S. 113(4) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 13(b)**

Modifications etc. (not altering text)

- C7** S. 113 extended by City of London (Various Powers) Act 1977 (c. xv), **s. 19**
- C8** S. 113 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

Status: Point in time view as at 31/10/1997.

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- C9** S. 113 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
S. 113: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C10** S. 113 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
S. 113: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
S. 113 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
S. 113: certain functions transferred (temp.> from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**
S. 113 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
S. 113 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para 7)
S. 113: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C11** S. 113(1) restricted by Local Government Act 1985 (c. 51, SIF 81:1), s. 91, **Sch. 15 para. 1(2)(a)**

114 Security to be taken in relation to officers.

- (1) A local authority shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may in the case of any other officer employed by them, take such security, for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the local authority consider sufficient.
- (2) A local authority may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for the person duly accounting for all such money or property.
- (3) A local authority shall defray the cost of any security taken under this section, and every such security shall be produced to the auditor at the audit of the accounts of the local authority.

Modifications etc. (not altering text)

- C12** S. 114 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
- C13** Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C14** S.114 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
S.114: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
S. 114: applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 114 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
S. 114 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
S. 114 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
S. 114 applied (with modifications) (5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**; S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**
S. 114 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. Sch. para. 25
S. 114 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**

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- S. 114 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**
- S. 114: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C15** S. 114 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.
- S. 114: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C16** S. 114 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 114 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C17** S. 114 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C18** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

115 Accountability of officers.

- (1) Every officer employed by a local authority, whether under this Act or any other enactment, shall at such times during the continuance of his office or within three months after ceasing to hold it, and in such manner as the local authority direct, make out and deliver to the authority, or in accordance with their directions, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.
- (2) Every such officer shall pay all money due from him to the proper officer of the local authority or in accordance with their directions.

Modifications etc. (not altering text)

- C19** S. 115 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
- C20** Ss. 114, 115 amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C21** S. 115 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.
- S. 115: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C22** S. 115 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.
- S. 115: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.
- S. 115 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- S. 115 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
- S. 115 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- S. 115 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 115 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**
- S. 115 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**

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- S. 115 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**
- S. 115 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2 **Sch. para. 24**
- S. 115: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C23** S. 115 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 115 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C24** S. 115 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C25** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**

116 Members of local authorities not to be appointed as officers.

A person shall, so long as he is, and for twelve months after he ceases to be, a member of a local authority, be disqualified for being appointed by that authority to any paid office, other than to the office of chairman or vice-chairman ^{F12}. . . .

Textual Amendments

F12 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

Modifications etc. (not altering text)

- C26** S. 116 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**
- C27** S. 116 modified by Education Reform Act 1988 (c. 40, SIF 41:1), **ss. 175(6), 231(7), 235(6)**
- C28** S. 116 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
- S. 116: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C29** S.116 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch.2**
- S.116: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**
- S. 116 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
- S. 116 applied (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
- S. 116 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)
- S. 116 restricted (23.11.1995) by S.I. 1995/2803, art. 19(1), **Sch. 6 para. 1**
- S. 116 applied (with modifications) (5.12.1995) by: S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**
- S. 116 applied (with modifications) (11.12.1995) by: S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**
- S. 116 applied (with modifications) (8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**
- S. 116 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**
- S. 116 applied (with modifications) (20.11.1996) by: S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**

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S. 116: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

117 Disclosure by officers of interest in contracts.

- (1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

- (2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
- (3) Any person who contravenes the provisions of subsection (1) or (2) above shall be liable on summary conviction to a fine not exceeding [^{F13}level 4 on the standard scale].
- (4) References in this section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

Textual Amendments

F13 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

Modifications etc. (not altering text)

- C30** S. 117 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), **Sch. 3 para. 12**
- C31** S. 117 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 57(7), **Sch. 13 para. 12(b)**
- C32** S. 117 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
S.117: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C33** S.117 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
S.117: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch.2**
S. 117 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)
S. 117 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**
S. 117 modified (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 para. 10** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/852, art. 9(1), **Sch. 5**
S. 117 applied (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 4(1)**
S. 117 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)
S. 117 modified (23.11.1995) by 1995/2803, art. 19(1), **Sch. 6 para. 2**
S. 117 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**
S. 117: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
S. 117 applied (with modifications) (8.5.2000) by 1999 c. 29, s. 71 (with **Sch. 12 para. 9(1)**); S.I. 2000/801, **art. 2(2)(b)**
- C34** S. 117 applied (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 17(6)**

Status: Point in time view as at 31/10/1997.

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- S. 117 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C35** S. 117 modified (24.3.2005) by The New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), **art. 17, Sch. 4 para. 4**
- C36** Ss. 114-117 applied (with modifications) (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), **reg. 10(1)**
- C37** S. 117 modified (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), **art. 1, Sch. 4 para. 4**
- C38** S. 117(1)(2)(3) applied (with modifications) (5.12.1995) by S.I. 1995/3132, **art. 2, Sch. para. 24**; S.I. 1995/3133, **art. 2, Sch. para. 24**; S.I. 1995/3127, **art. 2, Sch. para. 24**; S.I. 1995/3131, **art. 2, Sch. para. 24**
- S. 117(1)(2)(3) applied (with modifications) (11.12.1995) by S.I. 1995/3218, **art. 2, Sch. para. 25**; S.I. 1995/3229, **art. 2, Sch. para. 25**; S.I. 1995/3230, **art. 2, Sch. para. 25**
- S. 117(1)(2)(3) applied (with modifications) (20.11.1996) by S.I. 1996/2912, **art. 2, Sch. para. 24**; S.I. 1996/2916, **art. 2, Sch. para. 24**; S.I. 1996/2917, **art. 2, Sch. para. 24**; S.I. 1996/2918, **art. 2, Sch. para. 24**; S.I. 1996/2919, **art. 2, Sch. para. 24**; S.I. 1996/2920, **art. 2, Sch. para. 24**; S.I. 1996/2921, **art. 2, Sch. para. 24**; S.I. 1996/2922, **art. 2, Sch. para. 24**; S.I. 1996/2923, **art. 2, Sch. para. 24**; S.I. 1996/2924, **art. 2, Sch. para. 24**
- C39** S. 117(1) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 19**
- C40** S. 117(2) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 19**
- C41** S. 117(3) applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), **art. 2, Sch. para. 19**

118 Payment of salary, etc., due to mentally disordered person.

- (1) Subject to the provisions of this section, the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as “the patient”) is incapable, by reason of mental disorder within the meaning of [F14 the Mental Health Act 1983], of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—
- (a) to or for the benefit of persons who appear to the authority to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or
 - (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.
- (2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower of a child of a deceased officer or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund; and in this subsection the expression “pensioner” includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority.

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- (3) A local authority shall not in exercise of the powers conferred by subsection (1) above apply in any year in respect of any one person more than £500, or such other sum as may be prescribed.
- (4) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under [F15Part VII of the said Act of 1983] notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.
- (5) If at any time the authority having jurisdiction as aforesaid give to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.
- (6) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section.

Textual Amendments

- F14** Words “the Mental Health Act 1983” substituted (E.W.) for words “the Mental Health Act 1959” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(a\)](#)
- F15** Words commencing “Part VII” substituted (E.W.) for words commencing “Part VIII” by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 32\(b\)](#)

Modifications etc. (not altering text)

- C42** S. 118 extended by [Water Act 1973 \(c. 37\)](#), s. 2(8), [Sch. 3 para. 12](#)
- C43** S. 118 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch. 2](#).
S. 118: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch.2](#).
- C44** S. 118 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#).
S. 118: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch.2](#).
S. 118 extended (5.7.1994) by [1994 c. 19](#), ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(b\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
S. 118 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(b\)](#)
S. 118: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, [art. 3\(3\)](#)
S. 118 extended (19.9.1995) by [1995 c. 25](#), ss. 63(5), 125(2), [Sch. 7 para. 13\(6\)](#) (with ss. 7(6), 115, 117)
S. 118 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, [Sch. para. 24](#); S.I. 1995/3133, art. 2, [Sch. para. 24](#); S.I. 1995/3127, art. 2, [Sch. para. 24](#); S.I. 1995/3131, art. 2, [Sch. para. 24](#)
S. 118 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, [Sch. para. 25](#); S.I. 1995/3229, art. 2, [Sch. para. 25](#); S.I. 1995/3230, art. 2, [Sch. para. 25](#)
S. 118 applied (4.3.1996) by S.I. 1996/263, [reg. 10\(1\)](#)
S. 118 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, [Sch. para. 24](#); S.I. 1996/2916, art. 2, [Sch. para. 24](#); S.I. 1996/2917, art. 2, [Sch. para. 24](#); S.I. 1996/2918, art. 2, [Sch.](#)

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para. 24; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**

S. 118: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

C45 S. 118 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**

S. 118 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**

C46 S. 118(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13**, para. 12(b)

119 Payments due to deceased officers.

- (1) If, on the death of any person who is or has been an officer of a local authority, there is due to him or his legal personal representatives from a local authority a sum not exceeding £500 and not being a pension, allowance or gratuity payable by virtue of section 7 of the ^{M5}Superannuation Act 1972, the authority may, without requiring the production of probate or letters of administration of the estate of the officer, pay the whole or any part of that sum to the officer's personal representatives or to the person, or to or among any one or more of any persons, appearing to the authority to be beneficially entitled to the estate of the officer, and any person to whom such a payment is made, and not the authority, shall be liable to account for the sum paid to him under this subsection.
- (2) The authority may, if they think fit, pay out of the said sum the funeral expenses of the officer or so much thereof as they consider reasonable ^{F16} . . .
- (3) Subsection (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the ^{M6}Administration of Estates (Small Payments) Act 1965, substituting for references to £500 references to such higher amount as may be specified in the order.
- (4) Where provision has been made by regulations under section 7(1)(b) of the said Act of 1972 with respect to the pensions, allowances or gratuities which in certain circumstances are to be, or may be, paid to or in respect of any persons or classes of persons, the Secretary of State may by regulations provide for the application of the foregoing provisions of this section to such of those persons or classes of persons as may be specified in the regulations.

Textual Amendments

F16 Words repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86, **Sch. 11**

Modifications etc. (not altering text)

C47 S. 119 extended by Water Act 1973 (c. 37), s. 2(8), **Sch. 3 para. 12**

C48 S. 119 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), **Sch.2**.

S. 119: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, **Sch.2**.

C49 S. 119 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.

S. 119: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, **Sch.2**.

S. 119 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(b)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**)

S. 119 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(b)**

S. 119: certain functions transferred (*temp.* from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, **art. 3(3)**

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- S. 119 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 13(6)** (with ss. 7(6), 115, 117)
- S. 119 applied (with modifications) (5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 24**; S.I. 1995/3133, art. 2, **Sch. para. 24**; S.I. 1995/3127, art. 2, **Sch. para. 24**; S.I. 1995/3131, art. 2, **Sch. para. 24**
- S. 119 applied (with modifications) (11.12.1995) by S.I. 1995/3218, art. 2, **Sch. para. 25**; S.I. 1995/3229, art. 2, **Sch. para. 25**; S.I. 1995/3230, art. 2, **Sch. para. 25**
- S. 119 applied (4.3.1996) by S.I. 1996/263, **reg. 10(1)**
- S. 119 applied (with modifications) (20.11.1996) by S.I. 1996/2912, art. 2, **Sch. para. 24**; S.I. 1996/2916, art. 2, **Sch. para. 24**; S.I. 1996/2917, art. 2, **Sch. para. 24**; S.I. 1996/2918, art. 2, **Sch. para. 24**; S.I. 1996/2919, art. 2, **Sch. para. 24**; S.I. 1996/2920, art. 2, **Sch. para. 24**; S.I. 1996/2921, art. 2, **Sch. para. 24**; S.I. 1996/2922, art. 2, **Sch. para. 24**; S.I. 1996/2923, art. 2, **Sch. para. 24**; S.I. 1996/2924, art. 2, **Sch. para. 24**
- S. 119 applied (with modifications) (21.3.1997) by 1997 c. 45, **s. 2(4)**
- S. 119: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(vi)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C50** S. 119 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 17(6)**
- S. 119 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 17(6)**
- C51** S. 119 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, **Sch. para. 19**
- C52** Section 119(1) has effect by virtue of S.I. 1984/539, **art. 2(i)**, as if for the reference to £500 there were substituted a reference to £5,000
- C53** S. 119(1) amended by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 57(7), **Sch. 13 para. 12(b)**

Marginal Citations

- M5** 1972 c. 11.
M6 1965 c. 32.

Status:

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