



Local Government Act 1972

1972 CHAPTER 70

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Legal proceedings

222 Power of local authorities to prosecute or defend legal proceedings.

- (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area—
 - (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and
 - (b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.
- (2) In this section “local authority” includes the Common Council.

Modifications etc. (not altering text)

- C1** S. 222 amended by S.I. 1990/1765, art. 4(3)
- C2** S. 222 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), Sch.2.
S. 222: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, Sch. 2.
- C3** S. 222 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), Sch. 2.
S. 222: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, Sch.2.
S. 222 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 3(1)(g) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

Status: Point in time view as at 01/04/1996.

Changes to legislation: Local Government Act 1972, Cross Heading: Legal proceedings is up to date with all changes known to be in force on or before 28 May 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)

223 Appearance of local authorities in legal proceedings.

- (1) Any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a magistrates' court shall be entitled to prosecute or defend or to appear in any such proceedings, and, notwithstanding anything contained in [^{F1}the ^{M1}Solicitors Act 1974], to conduct any such proceedings although he is not a solicitor holding a current practising certificate.
- (2) In this section “local authority” includes the Common Council [^{F2}, a joint authority [^{F3}and]^{F4}, a police authority established under section 3 of the Police Act 1964] . . . [^{F5}]. . .

Textual Amendments

- F1** Words substituted by [Solicitors Act 1974 \(c. 47\), s. 90\(2\), Sch. 3 para. 9](#)
- F2** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 84, Sch. 14 para. 21](#)
- F3** Word in s. 223(2) inserted (1.4.1996) by 1995 c. 25, s. 120(1), [Sch. 22 para. 17\(a\)](#) (with ss. 7(6), 115, 117); S.I. 1996/186, [art. 3](#)
- F4** Words in s. 223(2) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, [Sch. 4 para. 12](#); S.I. 1994/2025, [art. 6](#) and S.I. 1994/3262, arts. 4, 5, [Sch.](#)
- F5** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237\(2\), Sch. 13 Pt. I](#)

Modifications etc. (not altering text)

- C4** S. 223 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 57\(7\), Sch. 13 para. 12\(f\)](#)
- C5** S. 223 modified (07.08.1991) by S.I. 1991/1773, art. 8(2), [Sch. 2](#).
S. 223: certain functions transferred (07.08.1991) by S.I. 1991/1773, art. 8, [Sch.2](#).
- C6** S. 223 modified (10.01.1992) by S.I. 1991/2913, art. 8(2), [Sch. 2](#).
S. 223: certain functions transferred (10.01.1992) by S.I. 1991/2913, art. 8, [Sch. 2](#).
S. 223 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), [Sch. 13 para. 19\(f\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#))
S. 223 amended (3.1.1995) by 1994 c. 40, ss. 76, 82(2), [Sch. 16 para. 3](#)
S. 223 modified (1.4.1995) by S.I. 1995/401, art. 18, [Sch. para. 1\(d\)](#)
S. 223 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), [Sch. 8 para. 3\(1\)\(g\)](#) (with ss.7(6), 115, 117, [Sch. 8 para. 7](#))
S. 223 applied (18.7.1996) by S.I. 1996/1880, [art. 76](#)
- C7** S. 223(2) amended by S.I. 1985/1884, art. 10, [Sch. 3 para. 1\(m\)](#)
- C8** S. 223(2) modified by S.I. 1987/2110, art. 2(2), [Sch. 1 para. 3\(m\)](#)

Marginal Citations

- M1** 1974 c. 47.

Status:

Point in time view as at 01/04/1996.

Changes to legislation:

Local Government Act 1972, Cross Heading: Legal proceedings is up to date with all changes known to be in force on or before 28 May 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.