



# 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 [<sup>F1</sup>and the London Fire and Emergency Planning Authority] .

#### **Textual Amendments**

- F1** Words in s. 222(2) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 20** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**

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

- C1** S. 222 amended by S.I. 1990/1765, **art. 4(3)**
- C2** S. 222 modified (7.8.1991) by S.I. 1991/1773, **art. 8(2), Sch. 2**.  
S. 222: certain functions transferred (7.8.1991) by S.I. 1991/1773, **art. 8, Sch. 2**.
- C3** S. 222 modified (10.1.1992) by S.I. 1991/2913, **art. 8(2), Sch. 2**.  
S. 222: certain functions transferred (10.1.1992) 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*Status: Point in time view as at 07/12/2011.*

*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 26 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)*

- C4** S. 222 modified (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1777\)](#), **art. 29(1)(h)**  
S. 222 modified (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I. 2004/1778\)](#), **art. 29(1)(h)**
- C5** Ss. 222-223 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C6** S. 222 modified (E.) (6.4.2010) by [The Portsmouth Port Health Authority Order 2010 \(S.I. 2010/1217\)](#), arts. 1(1), 4, **Sch.**
- C7** Ss. 222-223 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, **Sch. 1**
- C8** S. 222 modified (1.4.2011) by [The Greater Manchester Combined Authority Order 2011 \(S.I. 2011/908\)](#), arts. 1, **11(b)**

## 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, <sup>F2</sup>to conduct any such proceedings.]
- (2) In this section “local authority” includes the Common Council <sup>F3</sup>, a joint authority, <sup>F4</sup>an economic prosperity board, a combined authority, <sup>F5</sup>a joint waste authority, <sup>F6</sup>the Greater London Authority <sup>F7</sup>and <sup>F8</sup>a police authority established under <sup>F9</sup>section 3 of the Police Act 1996 <sup>F10</sup>and the Metropolitan Police Authority]. . . . .

### Textual Amendments

- F2** Words in s. 223(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, **Sch. 21 para. 28** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F3** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 21**
- F4** Words in s. 223(2) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 24**; S.I. 2009/3318, **art. 2**
- F5** Words in s. 223(2) inserted (1.4.2008) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), ss. 209, 245, **Sch. 13 para. 13**; S.I. 2008/917, {art. 2(1)(o)(p)}
- F6** Words in s. 223(2) inserted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 2**
- F7** 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**
- F8** 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.**
- F9** Words in s. 223(2) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. I para. 1(1)(2)(h)**
- F10** Words in s. 223(2) substituted (1.4.2002) by 2001 c. 16, ss. 128, 138(2), Sch. 6 para. 29; S.I. 2002/344, **art. 3(k)** (with transitional provisions in art. 4)

### Modifications etc. (not altering text)

- C5** Ss. 222-223 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C7** Ss. 222-223 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, **Sch. 1**
- C9** S. 223 amended by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 57(7), **Sch. 13 para. 12(f)**
- C10** S. 223 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 223: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C11** S. 223 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**

*Status: Point in time view as at 07/12/2011.*

*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 26 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)*

- S. 223: certain functions transferred (10.1.1992) 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**
- S. 223: 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)(xii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C12** S. 223 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(h)**
- S. 223 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(h)**
- C13** S. 223 applied (4.2.2005) by The Local Authorities (Contracting Out of BID Levy Billing, Collection and Enforcement Functions) Order 2005 (S.I. 2005/215), **art. 21**
- C14** S. 223 modified (E.) (11.5.2007) by The Local Authorities (Contracting Out of Anti-social Behaviour Order Functions) (England) Order 2007 (S.I. 2007/1441), **art. 4**
- C15** S. 223 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C16** S. 223 applied (7.12.2011) by The Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011 (S.I. 2011/2918), arts. 1(1), **10**
- C17** S. 223(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(m)**
- C18** S. 223(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(m)**

**Status:**

Point in time view as at 07/12/2011.

**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 26 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.