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SCHEDULES

SCHEDULE 12 **E+W**

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES

Modifications etc. (not altering text)

- C1** Sch. 12 modified (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), [art. 6](#)
- C1** Sch. 12 excluded by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [ss. 1, 86\(9\)](#)
- C1** Sch. 12 modified by [S.I. 1987/2110](#), [art. 2\(2\)](#), [Sch. 1 para. 2\(4\)](#)
- C1** Sch. 12 applied with modifications by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), [s. 160\(2\)](#)
Sch. 12: power conferred to make provisions about matters of the kind dealt with in this Schedule (1.9.1997) by [1997 c. 50](#), [s. 44\(1\)](#), [Sch. 4\(a\)\(ii\)](#); [S.I. 1997/1930](#), [art. 2\(1\)\(2\)\(m\)](#)

PART VI **E+W**

PROVISIONS RELATING TO LOCAL AUTHORITIES GENERALLY

Modifications etc. (not altering text)

- C1** Sch. 12 Pt. VI applied (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (10.01.1992) by [S.I. 1991/2913](#), [arts. 6, 8](#), [Sch. 1](#).
- C2** Sch. 12 Pt. VI applied (07.08.1991) by [S.I. 1991/1773](#), [art. 6, 8](#), [Sch. 1](#).
Sch. 12 Pt. VI: certain functions transferred (subject to modifications) (07.08.1991) by [S.I. 1991/1773](#), [arts. 6, 8](#), [Sch. 1](#).
- C3** Sch. 12 Pt. VI (paras. 39–45) applied with modifications by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), [ss. 1\(7\), 23\(2\), 27\(2\)](#), [Sch. 1 para. 4\(8\)](#)
Sch. 12 Pt. VI (paras. 39–45) extended (19.9.1995) by [1995 c. 25](#), [ss. 63\(5\), 125\(2\)](#), [Sch. 7 para. 12\(1\)\(a\)](#)
Sch. 12 Pt. VI (paras. 39–45) applied (with modifications)(5.12.1995) by [S.I. 1995/3127](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1995/3132](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1995/3133](#), [art. 2](#), [Sch. para. 20\(1\)](#)
Sch. 12 Pt. VI (paras. 39–45) applied (with modifications)(11.12.1995) by [S.I. 1995/3218](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1995/3229](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1995/3230](#), [art. 2](#), [Sch. para. 20\(1\)](#)
Sch. 12 Pt. VI (paras. 39–45) applied (with modifications)(20.11.1996) by [S.I. 1996/2912](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2916](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2917](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2918](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2919](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2920](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2921](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2922](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2923](#), [art. 2](#), [Sch. para. 20\(1\)](#); [S.I. 1996/2924](#), [art. 2](#), [Sch. para. 20\(1\)](#)
Sch. 12 Pt. VI applied (1.5.2000 for specified purposes otherwise 3.7.2000) by [1999 c. 29](#), [s. 328](#), [Sch. 28 para. 10\(4\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/1094](#), [arts. 3\(a\)\(b\), 4\(a\)\(g\)](#)
- C4** Sch. 12 Pt. 6 applied (with modifications) (20.11.2006) by [The Devon and Somerset Fire and Rescue Authority \(Combination Scheme\) Order 2006 \(S.I. 2006/2790\)](#), [arts. 1\(2\), 2](#), [Sch. para. 15](#)

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- 39 (1) Subject to the provisions of any enactment (including any enactment in this Act) all questions coming or arising before a local authority shall be decided by a majority of the members of the authority present and voting thereon at a meeting of the authority.
- (2) Subject to those provisions in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

Modifications etc. (not altering text)

- C5** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C6** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
- C7** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. 151(7)(a), 324(1)(c)(3) (with ss. 172(3), 185)
- C8** Sch. 12 para. 39(1) excluded (3.7.2000) by 1999 c. 29, s. 244(8)(b) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

- 40 The names of the members present at a meeting of a local authority shall be recorded.

Modifications etc. (not altering text)

- C9** Sch. 12 paras. 39-43 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. II**
Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
- C10** Sch. 12 paras. 39-44 applied (1.4.2009) by The Charter Trustees Regulations 2009 (S.I. 2009/467), regs. 8(5), 9(7)
- C11** Sch. 12 paras. 39-43 applied (12.11.2009 for certain purposes and otherwise prosp.) by Marine and Coastal Access Act 2009 (c. 23), ss. 151(7)(a), 324(1)(c)(3) (with ss. 172(3), 185)

- 41 (1) Minutes of the proceedings of a meeting of a local authority shall, subject to sub-paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same or next ^[F1]following^[F1] suitable meeting of the authority by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (2) Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meetings of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next ^[F1]following^[F1] suitable meeting of the authority, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.
- (3) Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.
- ^[F2](4) For the purposes of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the authority in accordance with regulations under section 20 of the Local Government

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and Housing Act 1989 provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.]

Textual Amendments

- F1** Word “suitable” substituted (*prosp.*) for “following” by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(1), 195(2), [Sch. 11 para. 30](#)
- F2** [Sch. 12 para. 41\(4\)](#) inserted (*prosp.*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), ss. 194(1), 195(2), [Sch. 11 para. 30](#)

- 42 Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business and may vary or revoke any such orders.

Modifications etc. (not altering text)

- C12** [Sch. 12 paras. 39-43](#) applied (with modifications)(8.1.1996) by [1995 c. x, ss. 1\(3\), 44, Sch. Pt. II](#)
[Sch. 12 paras. 39-44](#) applied (4.3.1996) by [S.I. 1996/263, reg. 8\(9\)](#)
[Sch. 12 para. 42](#) applied (10.5.2000) by [S.I. 2000/1095, art. 6\(5\)\(d\)](#)
[Sch. 12 para. 42](#): 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](#)
- C13** [Sch. 12 paras. 39-44](#) applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), regs. 8(5), 9(7)
- C14** [Sch. 12 paras. 39-43](#) applied (12.11.2009 for certain purposes and otherwise *prosp.*) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 151(7)(a), 324(1)(c)(3) (with ss. 172(3), 185)

- 43 The proceedings of a local authority shall not be invalidated by any vacancy among their number or by any defect in the election or qualifications of any member thereof.

Modifications etc. (not altering text)

- C15** [Sch. 12 paras. 39-43](#) applied (with modifications)(8.1.1996) by [1995 c. x, ss. 1\(3\), 44, Sch. Pt. II](#)
[Sch. 12 paras. 39-44](#) applied (4.3.1996) by [S.I. 1996/263, reg. 8\(9\)](#)
- C16** [Sch. 12 paras. 39-44](#) applied (1.4.2009) by [The Charter Trustees Regulations 2009 \(S.I. 2009/467\)](#), regs. 8(5), 9(7)
- C17** [Sch. 12 paras. 39-43](#) applied (12.11.2009 for certain purposes and otherwise *prosp.*) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), ss. 151(7)(a), 324(1)(c)(3) (with ss. 172(3), 185)

- 44 (1) Paragraphs 39 to 43 above (except paragraph 41(3)) shall apply in relation to a committee of a local authority (including a joint committee) or a sub-committee of any such committee as they apply in relation to a local authority.
- (2) Until the contrary is proved, where a minute of any meeting of any such committee or sub-committee has been made and signed in accordance with paragraph 41 above as applied by this paragraph, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute, the meeting shall be deemed to have been duly convened and held and the members present at the meeting shall be deemed to have been duly qualified.

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- C18** Sch. 12 para. 44 excluded by [Education \(No. 2\) Act 1986](#) (c. 61, SIF 41:1), ss. 26(4), 66, **Sch. 3 para. 15**
 Sch. 12 paras. 39-44 applied (4.3.1996) by S.I. 1996/263, **reg. 8(9)**
 Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 159, 583(2), **Sch. 16 para. 15(2)**
 Sch. 12 para. 44 excluded (1.11.1996) by 1996 c. 56, ss. 423, 583(2), **Sch.33 Pt. II para. 15(2)**
- C19** Sch. 12 paras. 39-44 applied (1.4.2009) by [The Charter Trustees Regulations 2009](#) (S.I. 2009/467), regs. 8(5), 9(7)

45 Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified instead of by reference to the whole number of members of the authority.

[^{F3}46 In this Part of this Schedule “local authority” includes a joint authority . . . ^{F4} and in relation to any such authority the reference in paragraph 43 above to election shall include a reference to appointment.]

Textual Amendments

- F3** Sch. 12 para. 46 inserted by [Local Government Act 1985](#) (c. 51, SIF 81:1, 2), s. 84, **Sch. 14 Pt. I para. 35(3)**
- F4** 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)

- C20** Sch. 12 para. 46 extended by S.I. 1985/1884, arts. 10, 11(3), **Sch. 3 para. 1(p)**
- C21** Sch. 12 para. 46 modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(o)**

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