



Local Government Act 1972

1972 CHAPTER 70

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Acceptance, resignation and vacation of office, and casual vacancies

85 Vacation of office by failure to attend meetings.

- (1) Subject to subsections (2) and (3) below, if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- (2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons, shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.

[^{F1}(2A) Subject to subsections (2B) and (3), if a member of a local authority which are operating executive arrangements, who is also a member of the executive of that local authority, fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the executive, he shall, unless the failure was due to some reason approved by the local authority before the expiry of that period, cease to be a member of the local authority.

(2B) For the purposes of this section—

- (a) the discharge by a member, acting alone, of any function which is the responsibility of the executive; and

Status: Point in time view as at 15/01/2014. This version of this provision has been superseded.

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- (b) in respect of a mayor and cabinet executive or leader and cabinet executive, attendance as a member at a meeting of a committee of the executive, shall each be deemed to be attendance at a meeting of the executive.]
- (3) A member of any branch of Her Majesty’s naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of Her Majesty in connection with war or any emergency is such as, in the opinion of the Secretary of State, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of a failure to attend meetings of the local authority [^{F2}or of a failure to attend meetings of the executive] if the failure is due to that employment.
- [^{F3}(3A) Any period during which a member of a local authority is suspended or partially suspended under section 66, ^{F4}[^{F5}... 73, 78 ^{F4}...] or 79 of the Local Government Act 2000 shall be disregarded for the purpose of calculating the period of six consecutive months under subsection (1) [^{F6}or (2A)] above (and, accordingly, a period during which a member fails to attend meetings of the authority [^{F7}or, as the case may be, meetings of the executive] that falls immediately before, and another such period that falls immediately after, a period of suspension or partial suspension shall be treated as consecutive).]
- [^{F8}(3B) Subsections (3C) and (3D) apply for the purpose of calculating the period of six consecutive months under subsection (1) or (2A).
- (3C) Any period during which a member of a local authority in Wales is exercising a right to absence under Part 2 of the Local Government (Wales) Measure 2011 is to be disregarded.
- (3D) The following two periods are to be treated as consecutive—
- (a) the period during which a member of a local authority in Wales fails to attend meetings of the authority or, as the case may be, meetings of the executive that falls immediately before the period described in subsection (3C), and
- (b) the period that falls immediately after the period described in subsection (3C).]
- [^{F9}(4) In this section “local authority” includes a joint authority [^{F10}, an economic prosperity board, a combined authority][^{F11}and a joint waste authority]^{F12}. . .]

Textual Amendments

- F1** S. 85(2A)(2B) inserted (E.) (11.7.2001) by [S.I. 2001/2237, art. 7\(a\)](#) and (W.) (1.4.2002) by [S.I. 2002/808, art. 7\(a\)](#)
- F2** Words in s. 85(3) inserted (E.) (11.7.2001) by [S.I. 2001/2237, art. 7\(b\)](#) and (W.) (1.4.2002) by [S.I. 2002/808, art. 7\(b\)](#)
- F3** S. 85(3A) inserted (E.) (19.12.2000) and (W.) (19.12.2000 with application in relation to police authorities in W. and otherwise 28.7.2001) by [2000 c. 22, ss. 107\(1\), 108\(4\), Sch. 5 para. 9](#); [S.I. 2000/3335, art. 2](#)
- F4** Words in s. 85(3A) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 25 Pt. 5](#); [S.I. 2012/1463, art. 5\(d\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714, art. 2](#)); [S.I. 2012/2913, arts. 1\(2\), 2\(b\)\(c\)](#) (with [arts. 3-6](#))
- F5** Words in s. 85(3A) substituted (1.4.2008) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\), ss. 201\(4\)\(a\), 245](#); [S.I. 2008/172, art. 4\(1\)](#)
- F6** Words in s. 85(3A) inserted (E.) (11.7.2001) by [S.I. 2001/2237, art. 7\(c\)\(i\)](#) and (W.) (1.4.2002) by [S.I. 2002/808, art. 7\(c\)\(i\)](#)

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- F7** Words in s. 85(3A) inserted (E.) (11.7.2001) by S.I. 2001/2237, art. 7(c)(ii) and (W.) (1.4.2002) by S.I. 2002/808, **art. 7(c)(ii)**
- F8** S. 85(3B)-(3D) inserted (30.4.2012) by Local Government (Wales) Measure 2011 (nawm 4), **ss. 31(2), 178(3)**; S.I. 2012/1187, art. 2(1)(c)
- F9** S. 85(4) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 Pt. I para. 7**
- F10** Words in s. 85(4) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 13**; S.I. 2009/3318, **art. 2(c)**
- F11** Words in s. 85(4) inserted (1.4.2008) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 209, 245, **Sch. 13 para. 4**; S.I. 2008/917, **art. 2(1)(p)**
- F12** 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)

- C1** S. 85 applied by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 9(10), 23(2), 27(2), **Sch. 4 para. 3**
 S. 85 applied (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
 S. 85 applied (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
 S. 85 applied (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 13**
 S. 85 applied (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 13**
- C2** S. 85: certain functions transferred (subject to modifications) (7.8.1991) by S.I. 1991/1773, arts. 6, 8, **Sch. 1**
 S. 85: certain functions transferred (subject to modifications) (10.1.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**
- C3** S. 85 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 8** (with ss. 7(6), 115, 117, **Sch. 8 para. 7**)
- C4** S. 85 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**
- C5** S. 85(1) applied by 1959 c. xlvi s. 11(2) (as substituted (15.1.2014) by Humber Bridge Act 2013 (c. vi), s. 1(1), **Sch. 1 para. 1**)
- C6** S. 85(4) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(c)**

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