



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

86 Declaration by local authority of vacancy in office in certain cases.

[^{F1}(1)] Where a member of a local authority—

- (a) ceases to be qualified to be a member of the authority; or
- (b) becomes disqualified for being a member of the authority otherwise than [^{F2}under [^{F3}section 80A(1)(c) of this Act,] section 79 of the Local Government Act 2000 or section 34 of the Localism Act 2011 or by virtue of], a conviction or a breach of any provision of Part II of the ^{M1}[^{F4}Representation of the People Act 1983][^{F5}, or by virtue of an order under section 30 of the Elections Act 2022]; or
- (c) ceases to be a member of the authority by reason of failure to attend meetings of the authority;

the authority shall, except in any case in which a declaration has been made by the High Court under this Part of this Act, forthwith declare his office to be vacant.

[^{F6}(2) In this section “local authority” includes a joint authority [^{F7}, an economic prosperity board][^{F8}, a combined authority and a combined county authority]^{F9} ...]

Textual Amendments

- F1** The provisions of s. 86 become s. 86(1) by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, [Sch. 14 Pt. I para. 8](#)
- F2** Words in s. 86(1)(b) substituted (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 5](#); S.I. 2015/841, art. 3(x)
- F3** Words in s. 86(1)(b) inserted (17.11.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(7), [Sch. 2 para. 1\(4\)](#); S.I. 2021/1249, art. 2(b) (with art. 4)

Status: Point in time view as at 21/03/2024.

Changes to legislation: Local Government Act 1972, Section 86 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)

- F4** Words substituted by [Representation of the People Act 1983 \(c. 2, SIF 42\)](#), **Sch. 8 para. 12**
- F5** Words in s. 86(1)(b) inserted (1.11.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 10 para. 2(3)**; S.I. 2023/1145, reg. 3(k)
- F6** S. 86(2) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. I para. 8**
- F7** Words in s. 86(2) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 14**; S.I. 2009/3318, **art. 2(c)**
- F8** Words in s. 86(2) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), **Sch. 4 para. 27** (with s. 247)
- F9** 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** Pt. 5 applied (23.5.2019) by [The Buckinghamshire \(Structural Changes\) Order 2019 \(S.I. 2019/957\)](#), arts. 1, **15(1)**
- C2** Pt. 5 applied (14.2.2020) by [The Northamptonshire \(Structural Changes\) Order 2020 \(S.I. 2020/156\)](#), arts. 1, **17(1)**
- C3** Pt. 5 applied (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), **18(1)**
- C4** S. 86: 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. 86 applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), arts. 1(2), **11**
- C6** S. 86 applied (with modifications) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **42**
- C7** S. 86 applied (with modifications) (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), **40**
- C8** S. 86 applied (with modifications) (21.3.2024) by [The South Yorkshire Mayoral Combined Authority \(Election of Mayor and Transfer of Police and Crime Commissioner Functions\) Order 2024 \(S.I. 2024/414\)](#), arts. 1(2), **12**
- C9** S. 86(1)(b) amended by: [Local Government \(Interim Provisions\) Act 1984 \(c. 53, SIF 81:1\)](#), s. 10(2); [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 92(7); and [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. **191(5)**, 231(7), 235(6)
- C10** S. 86(2) amended by [S.I. 1985/1884](#), art. 10, **Sch. 3 para. 1(d)**
- C11** S. 86(2) modified by [S.I. 1987/2110](#), art. 2(2), **Sch. 1 para. 3(d)**

Marginal Citations

- M1** 1983 c. 2.(42).

Status:

Point in time view as at 21/03/2024.

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