



Local Government Act 1972

1972 CHAPTER 70

PART V

GENERAL PROVISIONS AS TO MEMBERS AND PROCEEDINGS OF LOCAL AUTHORITIES

Restrictions on voting

97 Removal or exclusion of disability, etc.

- (1) The district council, as respects a member of a parish [^{F1}council, the principal council, as respects a member of a] community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the ^{F2} . . . council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the ^{F2} . . . council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.
- (2) The power of a ^{F3} . . . council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.
- (3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a ^{F4} . . . council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.
- (4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as [^{F5}a person who is liable [^{F6}to pay an amount in respect of any community charge or in respect of council tax] or who would be so liable but for any enactment or anything provided or done under any enactment

Status: Point in time view as at 22/08/1996. This version of this provision has been superseded.

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or as] a ratepayer or inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

- (5) For the purposes of section 94 above a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.
- (6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed [^{F7}£5,000] or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

Textual Amendments

- F1** Words in s. 97(1) substituted (1.4.1996) by 1994 c. 19, s. 66(5), **Sch. 15 para. 25(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F2** Words in s. 97(1) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(a), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F3** Word in s. 97(2) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F4** Word in s. 97(3) repealed (1.4.1996) by 1994 c. 19, s. 66(5)(8), Sch. 15 para. 25(b), **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F5** Words inserted by S.I. 1990/10, **art. 2**
- F6** Words in s. 97(4) substituted (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(1), **Sch. 13 para. 32** (with s. 118(1)(2)(4)); S.I. 1992/2454, **art. 3(1)(a)**
- F7** Words substituted by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(1), **Sch. 11 para. 23**

Modifications etc. (not altering text)

- C1** Ss. 94-98 applied with modifications by Water Resources Act 1991 (c. 57, SIF 130), s. 14, **Sch. 4**, Pt. II, para. 14(1).
- C2** S. 97 applied with modifications by virtue of Land Drainage Act 1976 (c. 70, SIF 73), **Sch. 1 para. 14B(1)**, as inserted by Water Act 1983 (c. 23, SIF 130), s. 11(2), **Sch. 4 para. 6**
- C3** S. 97 applied (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**.
S. 97: certain functions transferred (subject to modifications) (07.08.1991) by S.I. 1991/1773, arts. 6, 8, **Sch.1**.
- C4** S. 97 applied (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
S. 97: certain functions transferred (subject to modifications) (10.01.1992) by S.I. 1991/2913, arts. 6, 8, **Sch. 1**.
Ss. 94-98 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 10(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
Ss. 94-98 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)**

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Ss. 94-98 applied (with modifications)(5.12.1995) by S.I. 1995/3132, art. 2, **Sch. para. 20(1)**; S.I. 1995/3133, art. 2, **Sch. para. 20(1)**

Ss. 94-99 applied (with modifications)(5.12.1995) by S.I. 1995/3127, art. 2, **Sch. para. 20(1)**

Ss. 94-98 applied (with modifications)(8.1.1996) by 1995 c. x, ss. 1(3), 44, **Sch. Pt. I**

Ss. 94-98 applied (1.4.1996) by 1995 c. 25, s. 19, **Sch. 5 para. 14(1)** (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/186, **art. 3**

Ss. 94-98 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)**

Ss. 94-98: 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)(i)**; S.I. 1997/1930, **art. 2(1)(2)(m)**

C5 S. 97(1)-(3) applied (6.3.1992) by Local Government Finance Act 1992 (c. 14), **s. 106(5)** (with s. 118(1)(2)(4))

C6 S. 97(4)(5) applied (with modifications)(8.5.2000) by 1999 c. 29, s. 154(4), **Sch. 10 para. 13(11)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(b), **Sch. Pt. 2**

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