Local Government Act 1985

1985 CHAPTER 51

PART IV

POLICE, FIRE SERVICES, CIVIL DEFENCE AND TRANSPORT

Members of joint authorities

32 Filling of vacancies.

(1) The appointment of a person to a joint authority by a constituent council shall terminate if he ceases to be a member of the council; and where a person's appointment terminates by virtue of this subsection the constituent council shall as soon as practicable give notice of that fact to the authority to which he was appointed.

[[F1](1A) For the purposes of this section a person shall not be treated as ceasing to be a member of a constituent council where he retires by virtue of—

(a) section 7(3) of the Local Government Act 1972 (retirement of metropolitan district councillors), or

(b) paragraph 6(3) of Schedule 2 to that Act (retirement of London borough councillors),

and is re-elected to membership of the council not later than the day of his retirement.**]**

(2) Where a vacancy among the persons appointed to a joint authority by a constituent council occurs for any reason other than that mentioned in subsection (1) above, the joint authority shall give notice of that fact to the constituent council—

(a) in a case where the authority declares the office to be vacant, immediately after the declaration;

(b) in a case where the High Court declares the office to be vacant, as soon as practicable after the date of the declaration; and

(c) in the case of resignation, as soon as practicable after the date of receipt of the notice of resignation by the officer to whom it is required to be delivered.

(3) Where a vacancy occurs among the persons appointed to a joint authority by a constituent council, that council shall not later than one month after the relevant date—

(a) appoint another member of the council to fill the vacancy; and

(b) give notice of that appointment to the joint authority;

and any appointment made under this subsection shall take effect when notice of the appointment is given as aforesaid.

(4) In subsection (3) above "the relevant date" means, in a case within subsection (1) above, the date on which the person in question ceased to be a member of the constituent council and, in a case within subsection (2) above, the date on which notice of the vacancy is given to the constituent council under that subsection.

(5) So much of subsection (2)(b) of section 31 above as provides that the previous appointment shall terminate at the end of the period there mentioned shall not be construed as precluding its earlier termination by virtue of subsection (1) above or for any other reason; but in that event—

(a) the new appointment and the notice of it given under that section shall be treated as a sufficient compliance with subsection (3) above; and

(b) the new appointment shall take effect on the termination of the previous appointment or on the giving of that notice, whichever is the later.

(6) For the purposes of subsection (5)(b) above an appointment which terminates by virtue of subsection (1) above shall be treated as terminating when notice of that fact is given in accordance with that subsection.

(7) Where a person is appointed to a joint authority by a constituent council and before his appointment takes effect he—

(a) ceases to be a member of that council; or

(b) otherwise becomes disqualified for appointment,

that council shall as soon as practicable replace his appointment by a further appointment and give notice of it to the joint authority; and the further appointment shall take effect when the original appointment would have taken effect or on the giving of that notice, whichever is the later.

[F2](8) . . . . . .

Textual Amendments

F1 S. 32(1A) inserted by Local Government Act 1986 (c.10, SIF 81:1, 2), **s. 10(1)**

F2 S. 32(8) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. I**; S.I. 1994/3236, art. 4, **Sch.**

Modifications etc. (not altering text)

C1 S. 32(1) amended by S.I. 1985/1884, **art. 4(1)**(*b*)

C2 S. 32(1) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(b)**

C3 S. 32(1)(1A)(5) applied (with modifications) (8.1.1996) by 1995 c. x, s. 44, **Sch.**

C4 S. 32(2)–(7) amended by S.I. 1985/1884, **art. 4(1)**(*b*)

C5 S. 32(2)–(7) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 7(b)**

Changes to legislation:
There are currently no known outstanding effects for the Local Government Act 1985, Section 32.