



Local Government and Housing Act 1989

1989 CHAPTER 42

PART II

LOCAL GOVERNMENT ADMINISTRATION

30 Declaration of acceptance of office of councillor etc.

- (1) Before section 34 of the ^{M1}Local Government (Scotland) Act 1973 there shall be inserted the following section—

“ Acceptance of Office

33A Declaration of acceptance of office of councillor.

- (1) A person elected to office as a councillor of a local authority shall not, unless—
- (a) he has made a declaration of acceptance of office in a form prescribed by an order made by the Secretary of State; and
 - (b) the declaration has within two months from the day of the election been delivered to the proper officer of the local authority,
- act in the office except for the purpose of taking such a declaration.
- (2) If such a declaration is not made and delivered to the proper officer within the appointed time, the office of the person elected shall at the expiration of that time become vacant.
- (3) The declaration shall be made before either—
- (a) two members of the local authority to which the declarant is elected; or
 - (b) the proper officer of the local authority; or
 - (c) the sheriff; or
 - (d) a justice of the peace.

Changes to legislation: Local Government and Housing Act 1989, Section 30 is up to date with all changes known to be in force on or before 18 April 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) [View outstanding changes](#)

- (4) Any person before whom a declaration is authorised to be made under this section may take the declaration.”
- (2) In section 83 of the ^{M2}Local Government Act 1972 (declaration of acceptance of office) in subsection (1) and subsection (4), for the words “rules under section 42 above” there shall be substituted the words “an order made by the Secretary of State”.

Marginal Citations

M1 1973 c. 65.

M2 1972 c. 70.

Changes to legislation:

Local Government and Housing Act 1989, Section 30 is up to date with all changes known to be in force on or before 18 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 65(2)(b)(ii) inserted by [2004 c. 23 Sch. 2 para. 11](#) (Pt. IV repealed (18.11.2003 for E. for the repeal of ss. 45, 53, 27.11.2003 for W. for the purpose of and in relation to financial years beginning on or after 1st April 2004, and 1.4.2004 for E. in so far as not already in force) by Local Government Act 2003 (c. 26), s. 128(6), Sch. 7 para. 29; S.I. 2003/2938, arts. 3(h), 7(b) (with art. 8, Sch.); S.I. 2003/3034, art. 2, Sch. 1 Pt. I (with Sch. 2 para. 2))
- s. 76A76B inserted by [2014 c. 29 s. 24\(2\)](#)
- s. 87(1A) inserted by [2014 c. 29 s. 24\(5\)](#)