

## SCHEDULES

### SCHEDULE 4

Section 37.

#### EXERCISE OF FUNCTIONS DURING VACANCY OR TEMPORARY INCAPACITY OF MAYOR

##### PART I

###### INTERPRETATION

- 1 Any reference in this Schedule to a period when the Mayor is temporarily unable to act is a reference to a period when—
- (a) there is no vacancy in the office of Mayor; but
  - (b) the Mayor is unable to act in his office by reason of illness, imprisonment or absence abroad or for any other reason;
- and references to the Mayor being temporarily unable to act shall be construed accordingly.

##### PART II

###### VACANCIES IN THE OFFICE OF MAYOR

###### *Notice of vacancy in office of Mayor*

- 2 (1) If a casual vacancy occurs in the office of Mayor, the proper officer of the Authority shall give notice of the vacancy—
- (a) to the Deputy Mayor, if there is a holder of that office; or
  - (b) in any other case, to the Chair of the Assembly.
- (2) Any notice under sub-paragraph (1) above shall be given as soon as practicable after the date on which the vacancy is to be regarded by virtue of section 15(1) of this Act as occurring.

###### *Provision for acting Mayor during vacancy*

- 3 During any vacancy in the office of Mayor there shall be an acting Mayor of London (in this Act referred to as the “acting Mayor”).

###### *Filling the office of acting Mayor*

- 4 (1) If a person holds the office of Deputy Mayor on the date on which a vacancy in the office of Mayor occurs, that person shall be the acting Mayor unless, within the permitted period—
- (a) he gives notice to the proper officer of the Authority that he does not wish to be the acting Mayor; or

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- (b) he does not give a notice under paragraph (a) above and does not deliver a declaration under paragraph 8(1) below.
- (2) If a person becomes the acting Mayor by virtue of being the Deputy Mayor—
  - (a) he shall cease to be the Deputy Mayor; and
  - (b) he shall not be the Deputy Mayor, the Chair of the Assembly or the Deputy Chair of the Assembly at any time while he is the acting Mayor.
- (3) If, by virtue of sub-paragraph (1) above, the person who is the Deputy Mayor does not become the acting Mayor, the proper officer of the Authority shall give notice of that fact to the Chair of the Assembly as soon as practicable after—
  - (a) receipt of any notice under sub-paragraph (1)(a) above; or
  - (b) if no such notice is given, the last day of the permitted period.
- (4) Where notice is given to the Chair of the Assembly—
  - (a) under paragraph 2(1)(b) above, or
  - (b) under sub-paragraph (3) above,
 the person who is the Chair of the Assembly shall be the acting Mayor.
- (5) If a person becomes acting Mayor by virtue of being the Chair of the Assembly—
  - (a) he shall cease to be the Chair of the Assembly; and
  - (b) he shall not be the Deputy Mayor, the Chair of the Assembly or the Deputy Chair of the Assembly at any time while he is the acting Mayor.
- (6) In this paragraph “the permitted period” means the period of seven days following the day on which notice under paragraph 2(1)(a) above is given to the Deputy Mayor.

*Acting Mayor to be treated as Mayor during vacancy*

- 5 (1) If and so long as there is an acting Mayor—
  - (a) any functions exercisable by the Mayor shall be exercisable instead by the acting Mayor; and
  - (b) any functions exercisable by the Mayor and the Assembly acting jointly shall be exercisable instead by the acting Mayor and the Assembly acting jointly;
 and, for the period of the vacancy, the acting Mayor shall accordingly be treated as if he were the Mayor.
- (2) Sub-paragraph (1) above is subject to the following provisions of this Part of this Schedule.

*Functions which are not to be exercisable by acting Mayor*

- 6 (1) Paragraph 5(1)(a) above does not apply in relation to—
  - (a) any function exercisable under Schedule 6 or 7 to this Act;
  - (b) any functions in relation to the preparation, alteration or replacement of any strategies under this Act; or
  - (c) any function of making an appointment mentioned in sub-paragraph (2) below.
- (2) The appointments mentioned in sub-paragraph (1)(c) above are—
  - (a) any appointment of a member of any of the functional bodies;

- (b) any appointment of a member of any other body corporate under or by virtue of this Act;
- (c) any appointment under subsection (1) of section 67 of this Act.

*Acting Mayor not to act as Assembly member except in relation to budget*

- 7 (1) While a person is the acting Mayor, he shall not act as an Assembly member except in relation to the functions of the Assembly under Schedule 6 or 7 to this Act.
- (2) Any period during which sub-paragraph (1) above has effect in relation to a person shall be left out of account in applying section 6 of this Act in relation to that person.

*Declaration of acceptance by Deputy Mayor*

- 8 (1) A person shall not, by virtue of being Deputy Mayor,—
- (a) become the acting Mayor, or
  - (b) exercise any functions by virtue of paragraph 5 above,
- unless and until he has made, and delivered to the proper officer of the Authority within the permitted period, a declaration of acceptance in a form prescribed in an order made by the Secretary of State.
- (2) In sub-paragraph (1) above, “permitted period” has the same meaning as in paragraph 4 above.
- (3) Subsections (3) and (4) of section 28 of this Act shall apply to a declaration under sub-paragraph (1) above as they apply to a declaration under that section.

*Consequences of making the declaration*

- 9 (1) This paragraph applies where the acting Mayor makes the declaration required by paragraph 8(1) above.
- (2) Where this paragraph applies—
- (a) the acting Mayor shall resign his membership of the Metropolitan Police Authority; and
  - (b) the Chair of the Assembly shall fill the vacancy so arising by appointing another member of the Assembly to be a member of the Metropolitan Police Authority in place of the acting Mayor.

*Declaration of acceptance by Chair of Assembly*

- 10 A person who becomes acting Mayor by virtue of being the Chair of the Assembly shall not act in the office of acting Mayor unless or until he has satisfied in respect of his office as an Assembly member the requirements of section 28(1) above.

*Setting the budget during a vacancy*

- 11 If, at any time when proceedings under Schedule 6 or 7 to this Act are taking place in respect of any year, there is a vacancy in the office of Mayor, those and any subsequent proceedings under the Schedule in question in respect of that year shall proceed as if the Mayor had failed to fulfil his duties under that Schedule.

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*Occurrence of vacancy in office of acting Mayor*

- 12 (1) If, at any time during a vacancy in the office of Mayor, a casual vacancy occurs in the office of acting Mayor, the head of the Authority's paid service shall give notice of the vacancy—
- (a) to the Chair of the Assembly, and
  - (b) to the Deputy Mayor, if there is a holder of that office,
- and this Part of this Schedule (other than paragraph 2 above) shall have effect as if a vacancy in the office of Mayor had arisen on the date on which the vacancy in the office of acting Mayor occurs.
- (2) For the purposes of this paragraph, the cases in which, and the date on which, a casual vacancy occurs in the office of acting Mayor are the cases in which, and the date on which, a casual vacancy—
- (a) occurs in the acting Mayor's office as an Assembly member; or
  - (b) would have occurred in the office of Mayor, had the acting Mayor been the Mayor.
- (3) Any notice under sub-paragraph (1) above shall be given as soon as practicable after the date on which, by virtue of sub-paragraph (2) above, the vacancy is, in accordance with section 9 or 15 of this Act, to be regarded as occurring.

**PART III**

MAYOR TEMPORARILY UNABLE TO ACT NOTICE OF MAYOR'S TEMPORARY INABILITY TO ACT

- 13 (1) If the head of the Authority's paid service becomes aware that the Mayor is temporarily unable to act, he shall as soon as reasonably practicable give notice of that fact—
- (a) to the Chair of the Assembly; and
  - (b) to the Deputy Mayor, if there is a holder of that office.
- (2) For the purposes of the following provisions of this Part of this Schedule, any period when the Mayor is temporarily unable to act shall be taken to begin with the giving of the notice required by sub-paragraph (1) above.

*Deputy Mayor to be treated as Mayor during the period*

- 14 (1) During any period when the Mayor is temporarily unable to act—
- (a) any functions exercisable by the Mayor shall be exercisable instead by the Deputy Mayor; and
  - (b) any functions exercisable by the Mayor and the Assembly acting jointly shall be exercisable instead by the Deputy Mayor and the Assembly acting jointly;
- and, for that period, the Deputy Mayor shall accordingly be treated as if he were the Mayor.
- (2) Sub-paragraph (1) above is subject to the following provisions of this Part of this Schedule.

*Functions which are not to be exercisable by Deputy Mayor*

- 15 (1) Paragraph 14(1)(a) above does not apply in relation to—

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- (a) any functions exercisable under Schedule 6 or 7 to this Act;
- (b) any functions in relation to the preparation, alteration or replacement of strategies under this Act; or
- (c) any function of making an appointment mentioned in sub-paragraph (2) below.

- (2) The appointments mentioned in sub-paragraph (1)(c) above are—
- (a) any appointment of a member of any of the functional bodies;
  - (b) any appointment of a member of any other body corporate under or by virtue of this Act;
  - (c) any appointment under subsection (1) of section 67 of this Act.

*Setting the budget during the period*

- 16 If, at any time when proceedings under Schedule 6 or 7 to this Act are taking place in respect of any year, the Mayor is temporarily unable to act, those and any subsequent proceedings under the Schedule in question in respect of that year shall proceed as if the Mayor had failed to fulfil his duties under that Schedule.

*Mayor unable to act for three consecutive months*

- 17 If the Mayor has been temporarily unable to act for a period of three consecutive months—
- (a) the Deputy Mayor shall resign his membership of the Metropolitan Police Authority; and
  - (b) the Chair of the Assembly shall fill the vacancy so arising by appointing another member of the Assembly to be a member of the Metropolitan Police Authority in place of the Deputy Mayor.

*Exercise of Mayor's functions by Chair*

- 18 (1) This paragraph applies in relation to any period (or, as the case may be, the remainder of any period) when the Mayor is temporarily unable to act, if—
- (a) at the beginning of that period there is no Deputy Mayor; or
  - (b) the person who, at the beginning of that period, is the Deputy Mayor gives notice to the proper officer of the Authority, within the permitted time, that he does not wish to exercise the functions of the Mayor pursuant to paragraph 14 above; or
  - (c) a casual vacancy occurs in the office of Deputy Mayor during that period;
- and in paragraph (b) above “the permitted time” means the period of seven days following the day on which notice under paragraph 13(1)(b) above is given to the Deputy Mayor.
- (2) Where this paragraph applies—
- (a) paragraphs 14 and 15 above shall have effect with the substitution for references to the Deputy Mayor of references to the Chair of the Assembly; and
  - (b) paragraph 17 above shall be disregarded, but without prejudice to any action taken under paragraph (a) or (b), or required to be taken under paragraph (b), of that paragraph.

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- (3) If and so long as functions are exercisable by virtue of paragraph 14 above by the Chair of the Assembly, he shall not exercise any of the other functions of Chair of the Assembly.
- (4) If and so long as the Chair of the Assembly is precluded by sub-paragraph (3) above from exercising any of his functions, those functions shall be exercisable instead by the Deputy Chair of the Assembly.
- (5) If and so long as any functions of the Chair of the Assembly are, by virtue of sub-paragraph (4) above, exercisable by the Deputy Chair of the Assembly, the Deputy Chair of the Assembly shall not exercise any of his other functions.
- (6) If and so long as the Deputy Chair of the Assembly is precluded by sub-paragraph (5) above from exercising any of his functions, those functions shall be exercisable instead by a person (“the acting Deputy Chair”) elected for the purpose at a meeting of the Assembly from among the Assembly members.
- (7) A person must not at the same time hold office as acting Deputy Chair and as Mayor, Deputy Mayor, Chair of the Assembly or Deputy Chair of the Assembly.
- (8) If the acting Deputy Chair becomes Mayor, Deputy Mayor, Chair of the Assembly or Deputy Chair of the Assembly, a vacancy shall occur in the office of acting Deputy Chair.