

2012 No. 1465

LOCAL GOVERNMENT, ENGLAND

**The Local Elections (Declaration of Acceptance of Office)
Order 2012**

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>13th June 2012</i>
<i>Coming into force</i> - -	<i>9th July 2012</i>

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 83(1) and (4) of the Local Government Act 1972(a), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Local Elections (Declaration of Acceptance of Office) Order 2012 and comes into force on 9th July 2012.

(2) This Order applies in relation to England only(b).

Form of declaration of acceptance of office

2. For the purposes of section 83(1) and (4) of the Local Government Act 1972, the prescribed form of the declaration of acceptance of office is as set out in the Schedule to this Order.

Revocation of order

3. The Local Elections (Declaration of Acceptance of Office) Order 2001(c) is revoked.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps

(a) 1972 c. 70. Section 83 was amended by sections 83 and 102 of the Local Government Act 1985 (c. 51); Schedule 13 to and section 237 of the Education Reform Act 1988 (c. 40); section 30(2) of the Local Government and Housing Act 1989 (c. 42); paragraph 23 of Schedule 15 to and section 66(5) of Local Government (Wales) Act 1994 (c. 19) and paragraph 9(1) and (2) of Schedule 3 to and section 46 of the Local Government Act 2000 (c. 22).

(b) The Secretary of State's functions under section 83 of the Local Government Act 1972, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales; see article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 1 to the Government of Wales Act 2006 (c. 32) they were transferred to the Welsh Ministers.

(c) S.I. 2001/3941.

SCHEDULE

Article 2

DECLARATION OF ACCEPTANCE OF OFFICE

I [(1)] having been elected to the office of [(2)] of [(3)] declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgment and ability.

Signed

Date

This declaration was made and signed before me,

Signed

Date

Proper officer of the council (4).

(1) Insert the name of the person making the declaration.

(2) Insert "member" or "Mayor" as appropriate.

(3) Insert the name of the authority of which the person making the declaration is a member or mayor.

(4) Where the declaration is made before another person authorised by section 83(3) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration(a).

(a) Under section 83(3) of the Local Government Act 1972, a declaration for members or elected mayors of a county, district or London borough council shall be made before two members of the council, its elected mayor, its proper officer, a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man, or a commissioner appointed to administer oaths in the Supreme Court. A declaration for members of parish councils shall be made before a member or the proper officer of the council.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the form of declaration of office for members and elected mayors of country, district, London borough and parish councils in accordance with section 83 of the Local Government Act 1972. The declaration must be made within two months of election for county, district and London borough councillors or, in the case of parish councillors, in accordance with section 83(4) of the 1972 Act.

Article 3 revokes the Local Elections (Declaration of Acceptance of Office) Order 2001.

A full impact assessment has not been produced in relation to this Order as no impact on the private and voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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