Casual Vacancies

39. According to section 87 of the 1972 Act a casual vacancy occurs when:

a. a councillor fails to make his declaration of acceptance of office at the proper time

(see paragraph 47 below); or b. a councillor resigns; or c. a councillor dies; or

d. on the expiry of the period allowed for making an appeal or, if an appeal has been

made, the date on which that appeal is finally disposed of if a councillor becomes disqualified under section 79 of the Local Government Act 2000 (Wales) or section 34 of the Localism Act 2011 (England); e. on the date of a report or certificate of an election court that declares an election

void; f. a person ceases to be qualified to be a councillor for a reason not mentioned above; or

g. a councillor fails to attend meetings for six consecutive months (see paragraph 45 below).

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40. In most instances of a casual vacancy arising, the local council must give public

notice of it as soon as practicable after the casual vacancy is deemed to have occurred

in accordance with the requirements of section 232 of the 1972 Act (section 87(2)(b) of

the 1972 Act). Section 232 confirms public notice of a casual vacancy is effected by

the council giving notice in conspicuous place(s) in its area and in any such other

manner, if any, as appears to the council to be desirable for giving publicity.

41. Where a casual vacancy arises in any of the three circumstances set out below the

council must (i) forthwith declare the office vacant (unless the High Court has already

done so) (section 86(1) of the 1972 Act) and (ii) give public notice of the vacancy in

accordance with the requirements of section 232 of the 1972 Act (see paragraph 40

above) immediately after it declares the office vacant (section 87(2)(a) of the 1972

Act). The three circumstances are that a member of a local council :

a. ceases to be qualified to be a member of the council;

b. becomes disqualified for being a member of the council otherwise than under

the Audit Commission Act 1998, section 79 of the Local Government Act 2000

(Wales) or section 34 of the Localism Act 2011 (England) or by virtue of a

conviction or a breach of any provision of Part II of the Representation of the

People Act 1983; or c. ceases to be a member of the council by reason of failure to attend meetings for six consecutive months without approval of his absence from the council (see paragraph 45 below).