

Annual Council – 24th May 2010

Designation of proper officer – Declaration of acceptance of office

1. Summary of report

This report proposes the authorisation of a substitute to undertake the duties of Proper Officer of the Council in his absence in relation to this matter.

2. Recommendations

That the Assistant Director of Legal and Constitutional Services be authorised to undertake the duties of the Proper Officer in respect of the declaration of acceptance of office by newly elected Councillors in the absence of the Proper Officer.

3. Background

Section 83(1) of the Local Government Act 1972 states that any person elected to the office of Councillor shall make a declaration of acceptance of office to the Proper Officer of the Council in a form prescribed by the rules set out under Section 42 of the said Act within two months from the day of the election and if such a declaration is not made the office of the person elected shall become vacant.

The Act further states that the declaration shall be made before either:

- (a) two members of the Council to which the declarant is elected; or
- (b) the Proper Officer of the Council; or
- (c) a Justice of the Peace or Magistrate; or
- (d) A Commissioner appointed to administer oaths in the Supreme Court.

The usual practice for signing such declarations is that on the night of the elections newly elected Councillors sign the appropriate book immediately they are elected. In normal circumstances this is overseen by the Chief Executive (the Proper Officer) on the night. If the Chief Executive is for any reason unable to undertake this duty, it was felt prudent that another officer be delegated to undertake this duty.

Background papers

Nil

Signed:**Chief Executive****Date:** 14th May 2010**Author**

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