



Local Government Act 1972

1972 CHAPTER 70

PART XI

GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

Legal proceedings

222 Power of local authorities to prosecute or defend legal proceedings.

- (1) Where a local authority consider it expedient for the promotion or protection of the interests of the inhabitants of their area—
- (a) they may prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, may institute them in their own name, and
 - (b) they may, in their own name, make representations in the interests of the inhabitants at any public inquiry held by or on behalf of any Minister or public body under any enactment.
- (2) In this section “local authority” includes the Common Council [^{F1} a corporate joint committee][^{F2} and a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004][^{F3} and the London Fire Commissioner].
- [^{F4}(3) In the application of subsection (1) to a corporate joint committee, the reference to the corporate joint committee’s area is to be read as a reference to the area specified as the corporate joint committee’s area in regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 establishing the corporate joint committee.]

Textual Amendments

- F1** Words in s. 222(2) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **20(a)**
- F2** Words in s. 222(2) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 1 para. 26**; S.I. 2017/399, reg. 2, Sch. para. 38

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- F3** Words in s. 222(2) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 46**; S.I. 2018/227, **reg. 4(c)**
- F4** S. 222(3) inserted (25.3.2022) by The Corporate Joint Committees (General) (Wales) Regulations 2022 (S.I. 2022/372), regs. 1(2), **20(b)**

Modifications etc. (not altering text)

- C1** S. 222 amended by S.I. 1990/1765, **art. 4(3)**
- C2** S. 222 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**.
S. 222: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**.
- C3** S. 222 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**.
S. 222: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**.
S. 222 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(g)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C4** S. 222 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(h)**
S. 222 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(h)**
- C5** Ss. 222-223 modified (E.) (6.4.2010) by The Cowes Port Health Authority Order 2010 (S.I. 2010/1216), arts. 1(1), 4, **Sch.**
- C6** S. 222 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C7** Ss. 222-223 applied (with modifications) (E.) (24.3.2011) by The Hull and Goole Port Health Authority Order 2011 (S.I. 2011/939), arts. 1(1), 7, **Sch. 1**
- C8** S. 222 modified (1.4.2011) by The Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), arts. 1, **11(b)**
- C9** S. 222 modified (1.4.2014) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863), arts. 1, **11(b)**
- C10** S. 222 modified (1.4.2014) by The West Yorkshire Combined Authority Order 2014 (S.I. 2014/864), arts. 1(2), **11(b)**
- C11** S. 222 modified (1.4.2014) by The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865), arts. 1, **14(b)** (with art. 8(4))
- C12** S. 222 modified (15.4.2014) by The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 (S.I. 2014/1012), arts. 1, **13(b)**
- C13** S. 222 modified (1.4.2016) by The Tees Valley Combined Authority Order 2016 (S.I. 2016/449), arts. 1(a), **8(c)**
- C14** S. 222 modified (17.6.2016) by The West Midlands Combined Authority Order 2016 (S.I. 2016/653), arts. 1(2), **11(b)**
- C15** S. 222 modified (9.2.2017) by The West of England Combined Authority Order 2017 (S.I. 2017/126), arts. 1(3), **26(c)**
- C16** S. 222 modified (3.3.2017) by The Cambridgeshire and Peterborough Combined Authority Order 2017 (S.I. 2017/251), arts. 1(2)(b), **13(c)**
- C17** Ss. 222-223 applied (with modifications) (E.) (31.3.2017) by The Weymouth Port Health Authority Order 2017 (S.I. 2017/558), arts. 1(1), 8, **Sch. 1**
- C18** S. 222 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **19(3)(f)**
- C19** S. 222 modified (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **20(2)(c)** (with art. 28)
- C20** S. 222 modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), **26(1)(e)**
- C21** S. 222 applied (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **33**

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C22 S. 222 applied (7.5.2024) by [The North East Mayoral Combined Authority \(Establishment and Functions\) Order 2024 \(S.I. 2024/402\)](#), arts. 1(3), **48(1)(2)** (with art. 9)

223 Appearance of local authorities in legal proceedings.

- (1) Any member or officer of a local authority who is authorised by that authority to prosecute or defend on their behalf, or to appear on their behalf in, proceedings before a magistrates' court shall be entitled to prosecute or defend or to appear in any such proceedings, and, ^{F5}to conduct any such proceedings.]
- (2) In this section “local authority” includes the Common Council ^{F6}, a corporate joint committee^{F7}, a joint authority, ^{F8}an economic prosperity board, a combined authority,^{F9} a combined county authority,^{F10} a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004,^{F11} ... ^{F12} the Greater London Authority^{F13} and^{F14}, a ^{F15}police and crime commissioner and the Mayor's Office for Policing and Crime^{F16} ...^{F17} ...

Textual Amendments

- F5** Words in s. 223(1) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, **Sch. 21 para. 28** (with ss. 29, 192, 193); S.I. 2009/3250, **art. 2(h)** (with art. 9)
- F6** Words in s. 223(2) inserted (25.3.2022) by [The Corporate Joint Committees \(General\) \(Wales\) Regulations 2022 \(S.I. 2022/372\)](#), regs. 1(2), **21**
- F7** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 para. 21**
- F8** Words in s. 223(2) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 119, 148(6), **Sch. 6 para. 24**; S.I. 2009/3318, **art. 2**
- F9** Words in s. 223(2) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2) (c), **Sch. 4 para. 37** (with s. 247)
- F10** Words in s. 223(2) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 1 para. 27**; S.I. 2017/399, reg. 2, Sch. para. 38
- F11** Words in s. 223(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 13 para. 6(7)(k)**; S.I. 2015/994, art. 6(g)
- F12** Words in s. 223(2) inserted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 2**
- F13** Word in s. 223(2) inserted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 17(a)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F14** Words in s. 223(2) inserted (1.10.1994 for specified purposes otherwise 1.4.1995) by 1994 c. 29, s. 43, **Sch. 4 para. 12**; S.I. 1994/2025, **art. 6** and S.I. 1994/3262, arts. 4, 5, **Sch.**
- F15** Words in s. 223(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 109**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 30)
- F16** Words repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F17** Words in s. 223(2) repealed (1.4.1996) by 1995 c. 25, s. 120(3), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**

Modifications etc. (not altering text)

- C5** Ss. 222-223 modified (E.) (6.4.2010) by [The Cowes Port Health Authority Order 2010 \(S.I. 2010/1216\)](#), arts. 1(1), 4, **Sch.**
- C7** Ss. 222-223 applied (with modifications) (E.) (24.3.2011) by [The Hull and Goole Port Health Authority Order 2011 \(S.I. 2011/939\)](#), arts. 1(1), 7, **Sch. 1**
- C17** Ss. 222-223 applied (with modifications) (E.) (31.3.2017) by [The Weymouth Port Health Authority Order 2017 \(S.I. 2017/558\)](#), arts. 1(1), 8, **Sch. 1**

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- C23** S. 223 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 12(f)**
- C24** S. 223 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**
 S. 223: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**
- C25** S. 223 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**
 S. 223: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
 S. 223 extended (5.7.1994) by 1994 c. 19, ss. 39(2), 66(2)(b), **Sch. 13 para. 19(f)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
 S. 223 amended (3.1.1995) by 1994 c. 40, ss. 76, 82(2), **Sch. 16 para. 3**
 S. 223 modified (1.4.1995) by S.I. 1995/401, art. 18, **Sch. para. 1(d)**
 S. 223 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(1)(g)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
 S. 223 applied (18.7.1996) by S.I. 1996/1880, **art. 76**
 S. 223: power conferred to make provisions about matters of the kind dealt with in this section (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4(a)(xii)**; S.I. 1997/1930, **art. 2(1)(2)(m)**
- C26** S. 223 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 29(1)(h)**
 S. 223 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 29(1)(h)**
- C27** S. 223 applied (4.2.2005) by The Local Authorities (Contracting Out of BID Levy Billing, Collection and Enforcement Functions) Order 2005 (S.I. 2005/215), **art. 21**
- C28** S. 223 modified (E.) (11.5.2007) by The Local Authorities (Contracting Out of Anti-social Behaviour Order Functions) (England) Order 2007 (S.I. 2007/1441), **art. 4**
- C29** S. 223 modified (E.) (6.4.2010) by The Portsmouth Port Health Authority Order 2010 (S.I. 2010/1217), arts. 1(1), 4, **Sch.**
- C30** S. 223 applied (7.12.2011) by The Local Authorities (Contracting Out of Community Infrastructure Levy Functions) Order 2011 (S.I. 2011/2918), arts. 1(1), **10**
- C31** S. 223 applied (15.3.2018) by City of London Corporation (Open Spaces) Act 2018 (c. i), **s. 15** (with ss. 3, 4(2))
- C32** S. 223(2) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 1(m)**
- C33** S. 223(2) modified by S.I. 1987/2110, art. 2(2), **Sch. 1 para. 3(m)**
- C34** S. 223(2) excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 2(b)**

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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. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)