



Lieutenancies Act 1997

CHAPTER 23

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Lieutenancies Act 1997

1997 CHAPTER 23

An Act to consolidate certain enactments relating to the
lieutenancies in Great Britain. [19th March 1997]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A lord-lieutenant shall be appointed by Her Majesty for each county in England, each county in Wales and each area in Scotland (other than the cities of Aberdeen, Dundee, Edinburgh and Glasgow). Lieutenancies in Great Britain.

(2) The Lord Provost of each of the cities of Aberdeen, Dundee, Edinburgh and Glasgow is, by virtue of his office, lord-lieutenant for that city.

(3) Her Majesty may appoint lieutenants (in addition to the lord-lieutenant) for any county or area.

(4) Schedule 1 to this Act (which identifies the areas which are counties in England and Wales and areas in Scotland for the purposes of the lieutenancies) shall have effect; and in this Act “county” and “area” shall be construed accordingly.

2.—(1) The lord-lieutenant of a county or area shall appoint such persons as he thinks fit to be his deputy lieutenants. Deputy lieutenants.

(2) A person may only be appointed as a deputy lieutenant of a county or area if—

- (a) he is shown to have rendered appropriate service; and
- (b) he has a place of residence in, or within 7 miles from the boundary of, that county or area.

(3) In subsection (2) “appropriate service” means either worthy service as a member of, or in a civil capacity in connection with, Her Majesty's naval, military or air forces or such other service as makes a person suitable for appointment as a deputy lieutenant.

(4) The lord-lieutenant of a county or area shall notify to Her Majesty the name of any person whom he proposes to appoint as a deputy lieutenant; and a commission as deputy lieutenant shall not be granted to that person until the lord-lieutenant has been informed by the Secretary of State that Her Majesty does not disapprove of the granting of the commission.

(5) A commission as deputy lieutenant of a county or area is not vacated by reason that the person who granted it dies or otherwise ceases to hold office as lord-lieutenant.

(6) A commission as deputy lieutenant of a county or area may be revoked by the lord-lieutenant of that county or area; and the lord-lieutenant shall revoke the commission forthwith on being informed of Her Majesty's pleasure that it be revoked.

(7) The clerk of the lieutenancy of a county or area shall arrange for the publication in the London Gazette or, as the case may be, the Edinburgh Gazette of the names of the persons appointed deputy lieutenants for that county or area, with the dates of their commissions.

Vice lord-lieutenants.

3.—(1) The lord-lieutenant of a county or area may, with Her Majesty's approval, appoint a lieutenant or deputy lieutenant of that county or area as his vice lord-lieutenant.

(2) If a lord-lieutenant who has appointed a vice lord-lieutenant dies or otherwise ceases to hold office, the commission of the vice lord-lieutenant is vacated on the appointment of a new lord-lieutenant for the county or area concerned.

(3) A commission as vice lord-lieutenant of a county or area may, with the approval of Her Majesty, be revoked by the lord-lieutenant who granted it; and the lord-lieutenant shall revoke the commission forthwith on being informed of Her Majesty's pleasure that it be revoked.

(4) Without prejudice to Her Majesty's power to make other provision under section 4, if—

- (a) the lord-lieutenant of a county or area is absent from the county or area, sick or otherwise unable to act; or
- (b) there is a vacancy in the office of lord-lieutenant for a county or area,

the vice lord-lieutenant of that county or area shall stand for all purposes in the lord-lieutenant's place and, accordingly, may do anything which may be done by the lord-lieutenant.

Absence, etc. of lord-lieutenant.

4.—(1) If—

- (a) the lord-lieutenant of a county or area is absent from the United Kingdom, sick or otherwise unable to act; or
- (b) there is a vacancy in the office of lord-lieutenant of a county or area,

Her Majesty may authorise any three deputy lieutenants or lieutenants of that county or area to act as its lord-lieutenant.

(2) During the period for which they are authorised to act, the persons authorised under this section shall stand for all purposes in the lord-lieutenant's place and, accordingly, may do anything which may be done by the lord-lieutenant.

- 5.—(1) There shall be a clerk of the lieutenancy for each county or area, appointed by the lord-lieutenant. Appointment of clerks of lieutenancies.
- (2) The lord-lieutenant of a county or area may revoke the appointment of the clerk of the lieutenancy.
6. The lord-lieutenant, lieutenants (if any) and deputy lieutenants of a county or area shall have such functions and privileges (whether provided for under any enactment or otherwise) as are for the time being exercisable by or vested in the lord-lieutenant, lieutenants and deputy lieutenants respectively of that county or area. Functions of lord-lieutenant, lieutenants and deputy lieutenants.
- 7.—(1) Her Majesty may issue commissions of lieutenancy in respect of the City of London to such persons as She thinks fit to be the Commissioners of Lieutenancy for the City of London (in this section referred to as “the commissioners”). Commissioners of lieutenancy for the City of London.
- (2) For the purposes of the application of sections 5 and 6 to the City of London, the commissioners shall be treated as if they were the lord-lieutenant of a county.
- (3) Nothing in this Act affects the raising and levying of the Trophy Tax in the City or any other functions or privileges of the commissioners (whether provided for under any enactment or otherwise).
- (4) The proceeds of the Trophy Tax may be applied by the commissioners (if they see fit to do so) for any of the purposes of a territorial and volunteer reserve association established under Part XI of the Reserve Forces Act 1996 for an area including the City of London. 1996 c. 14.
- (5) For the purposes of the law relating to, or to matters connected with, the lieutenancies the City of London includes the Inner Temple and the Middle Temple.
- 8.—(1) In section 61 of the Local Government (Wales) Act 1994 (lieutenancies)— Consequential amendments, transitional provisions, repeals and revocation. 1994 c. 19.
- (a) in subsection (2), for the words “section 130 of the Act of 1980” there shall be substituted the words “section 1 of, and Schedule 1 to, the Lieutenancies Act 1997”; and
- (b) in subsection (3), for the words “Act of 1980” there shall be substituted the words “Lieutenancies Act 1997”.
- (2) In section 9 of the Reserve Forces Act 1996 (enlistment) for the words “Part VI of the Reserve Forces Act 1980” there shall be substituted the words “the Lieutenancies Act 1997”.
- (3) Schedule 2 to this Act (which contains transitional provisions and savings) shall have effect.
- (4) The enactments mentioned in Schedule 3 to this Act (which include some spent enactments) are repealed to the extent specified in the third column of that Schedule.
- (5) Regulation 9 of the Local Government Changes for England (Miscellaneous Provision) Regulations 1995 is hereby revoked. SI 1995/1748.
- 9.—(1) This Act may be cited as the Lieutenancies Act 1997. Short title, commencement and extent.
- (2) This Act shall come into force on 1st July 1997.

(3) Any amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.

(4) Subject to subsection (3), this Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1(4).

COUNTIES AND AREAS FOR THE PURPOSES OF THE LIEUTENANCIES IN GREAT BRITAIN

Preliminary

1. The provisions of this Schedule identify the areas which constitute counties in England, counties in Wales or areas in Scotland for the purposes of the lieutenancies in Great Britain.

Counties in England

2. The counties in England for the purposes of this Act are—

- (a) Greater London (excluding the City of London);
- (b) the areas which are to be regarded as counties for those purposes by virtue of paragraph 3; and
- (c) any other areas in England which are counties for the purposes of the Local Government Act 1972.

1972. c. 70.

3. The local government areas (or parts of local government areas) described in each entry in the second column of the following Table shall be regarded for the purposes of this Act as one county to be known by the name specified in the first column.

TABLE

<i>County for the purposes of this Act</i>	<i>Local government areas</i>
Bedfordshire	Bedfordshire and Luton
Buckinghamshire	Buckinghamshire and Milton Keynes
Derbyshire	Derbyshire and Derby
Dorset	Dorset, Bournemouth and Poole
Durham	Durham, Darlington, Hartlepool and so much of Stockton-on-Tees as lies north of the line for the time being of the centre of the River Tees
The East Riding of Yorkshire	The East Riding of Yorkshire and Kingston upon Hull (City of)
East Sussex	East Sussex and Brighton and Hove
Gloucestershire	Gloucestershire and South Gloucestershire
Hampshire	Hampshire, Portsmouth and Southampton
Leicestershire	Leicestershire and Leicester
Lincolnshire	Lincolnshire, North Lincolnshire and North East Lincolnshire
North Yorkshire	North Yorkshire, Middlesbrough, Redcar and Cleveland, York and so much of Stockton-on-Tees as lies south of the line for the time being of the centre of the River Tees
Somerset	Somerset, Bath and North East Somerset and North Somerset.
Staffordshire	Staffordshire and Stoke-on-Trent
Wiltshire	Wiltshire and Thamesdown.

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4. The City of London shall be treated as a county for the purposes of sections 5 and 6.

5. The Isles of Scilly shall be treated as part of the county of Cornwall for the purposes of this Act.

Counties in Wales

1994 c. 19.
1972 c. 70.

6. The counties in Wales for the purposes of this Act are the preserved counties, that is to say, the counties in Wales as they stood immediately before the passing of the Local Government (Wales) Act 1994 (but subject to any redrawing of their boundaries by or under that Act or the Local Government Act 1972).

Areas in Scotland

7. The areas in Scotland for the purposes of this Act are—

- (a) the cities of Aberdeen, Dundee, Edinburgh and Glasgow; and
- (b) the areas specified in an Order in Council under paragraph 8.

8. Her Majesty may by Order in Council divide Scotland (apart from the cities of Aberdeen, Dundee, Edinburgh and Glasgow) into such areas for the purposes of this Act as She thinks fit.

9. Any deputy lieutenant who, immediately before the date on which an Order in Council under paragraph 8 is made, holds office for an area affected by the Order shall (without prejudice to any power of removal or directing removal from any office) continue to hold office on and after that date as deputy lieutenant for the area in which he resides or for such other area as may be specified in the Order.

Section 8(3).

SCHEDULE 2

TRANSITIONAL AND SAVING PROVISIONS

General

1. The substitution of this Act for the enactments repealed or revoked by this Act does not affect the continuity of the law.

2. Anything done (including subordinate legislation made) or having effect as done under a provision reproduced in this Act has effect as if done under the corresponding provision of this Act.

3. References (express or implied) in this Act or any other enactment, instrument or document to a provision of this Act shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes before the commencement of this Act, a reference to corresponding earlier provisions.

4. A reference (express or implied) in any enactment, instrument or document to a provision reproduced in this Act shall be construed, so far as is required for continuing its effect, as being or, as the case may require, including a reference to the corresponding provision of this Act.

5. Any document made, served or issued on or after the commencement of this Act which contains a reference to any provision reproduced by this Act shall be

construed, except so far as a contrary intention appears, as referring or, as the case may require, including a reference to the corresponding provision of this Act.

Continuation in office of current office-holders

6. Nothing in this Act prevents the continuation in office of a lord-lieutenant, lieutenant or deputy lieutenant of a county or area who is in office immediately before the commencement of this Act.

This paragraph is without prejudice to any power of removal or directing removal from any office.

7. The repeal by this Act of paragraphs 13(2) and 14(2) of Schedule 8 to the Reserve Forces Act 1980 does not affect the operation of any Order in Council or order having effect as made under either of those paragraphs in relation to any person to whom that paragraph applied immediately before the commencement of this Act. 1996 c. 14.

Old references to the lieutenant of a county

8. Any reference to a lieutenant of a county or Greater London—

- (a) in any enactment passed before the end of the session in which the Local Government Act 1972 was passed, or 1972 c. 70.
- (b) in any instrument made before 26th October 1972 (the date of the passing of that Act),

shall continue to be construed as a reference to the lord-lieutenant of a county or of Greater London (as the case may be).

9. Any reference to a lieutenant of a county in Scotland—

- (a) in any enactment passed before the end of the session in which the Local Government (Scotland) Act 1973 was passed, or 1973 c. 65.
- (b) in any instrument made before 25th October 1973 (the date of the passing of that Act),

shall continue to be construed as a reference to the lord-lieutenant holding office for an area in Scotland.

SCHEDULE 3

Section 8(4).

REPEALS

Chapter	Short title	Extent of repeal
1964 c. 42.	Administration of Justice Act 1964.	In section 26, the word "lieutenants".
1980 c. 9.	Reserve Forces Act 1980.	Sections 130 to 137. In section 138, subsection (1), in subsection (2), the words "the lieutenancies and" and from "and so" to the end, and subsections (3) to (5). In section 156(1), the definition of "area". In Schedule 8, paragraphs 13 and 14.

SCH. 3

Chapter	Short title	Extent of repeal
1994 c. 19.	Local Government (Wales) Act 1994.	Section 61(1) and (5).
1994 c. 39.	Local Government etc. (Scotland) Act 1994.	In Schedule 13, paragraph 116.
1996 c. 14.	Reserve Forces Act 1996.	Section 121. Schedule 6.

TABLE OF DERIVATIONS

Note: The following abbreviations are used in this Table:—

SA 1887	= The Sheriffs Act 1887
RFA80	= The Reserve Forces Act 1980 (c. 9)
LGWA	= The Local Government (Wales) Act 1994 (c. 19)
LGSA	= The Local Government etc. (Scotland) Act 1994 (c. 39)
RFA96	= The Reserve Forces Act 1996 (c. 14)
SI 1995/1748	= The Local Government Changes for England (Miscellaneous Provision) Regulations 1995.
SI 1996/2009	= The Local Government Changes for England (Sheriffs) Order 1996.

Provision of Bill	Derivation
1(1)	RFA80 ss.130(1)(a),131(1)(a); LGSA Sch.13, para.116(2)(a).
(2)	RFA80 s.131(2); LGSA Sch.13, para.116(2)(b).
(3)	RFA80 ss.130(1)(b),131(1)(b),(2); LGSA Sch.13, para.116(2)(a).
(4)	Drafting.
2(1)	RFA80 s.133(1).
(2)	RFA80 s.133(2); drafting.
(3)	RFA80 s.133(2)(b).
(4)	RFA80 s.133(3).
(5)	RFA80 s.133(4).
(6)	RFA80 s.133(4), 136; RFA96 Sch.6, para.2(b).
(7)	RFA80 s.133(5); RFA96 Sch.6, para. 2(c).
3(1)	RFA80 s.135(1).
(2)	RFA80 s.135(1B); RFA96 Sch.6, para.3.
(3)	RFA80 ss.135(1A),136; RFA96 Sch.6, para.3.
(4)	RFA80 s.135(1),(2); drafting.
4(1),(2)	RFA80 s.134.
5(1), (2)	RFA80 s.137(2).
6	RFA80 s.137(1); RFA96 Sch.6, para.5.
7(1)	RFA80 s.138(1); drafting.
(2)	RFA80 s.138(2), (3).
(3)	RFA80 s.138(2), (4).
(4)	RFA80 s.138(5).
(5)	Administration of Justice Act 1964 (c.42) s.26.
8	Drafting.
9(1),(2),(3)	Drafting.
(4)	RFA80 s.132; drafting.
Schedule 1	
para. 1	Drafting.
para. 2(a)	RFA80 s.130(1), (2)(a).
(b), (c)	RFA80 s.130(1A); SA 1887 s.38 (“county”); SI 1995/1748 Regs.8,9.
para. 3	RFA80 s.130(1A); SA 1887 Sch.2A; SI 1995/1748 Regs.8,9; SI 1996/2009.
para. 4	RFA80 s.138(2),(3).
para. 5	RFA80 s.130(2)(b).
para. 6	RFA80 s.130(4); LGWA ss.61(1), 64(1) (“preserved county”).
para. 7	RFA80 ss.131(1A),(2),156(1) (“area”); LGSA Sch.13, para.116(2)(a).

Provision of Bill	Derivation
para. 8	RFA80 s.131(1A)(a),(5); LGSA Sch.13, para.116(2)(a), (4).
para. 9	RFA80 s.131(1B); LGSA Sch.13, para.116(2)(a), (d).
Schedule 2	<i>transitional and saving provisions</i>
Schedule 3	<i>repeals</i>

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