

PART 2.7 - THE “PROPER OFFICER” PROVISIONS

Function	Proper Officer	Person to act in the event of the Proper officer being absent or otherwise unable to act
<p>(1) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to the Clerk of a Council or the Town Clerk of a Borough.</p>	Chief Executive	Monitoring Officer
<p>(2) The following provisions in the Local Government Act 1972:-</p> <p>(a) Section 88(2) – the Officer who may convene a meeting for the election of Chairman of the Council following a casual vacancy in that office.</p> <p>(b) Schedule 12, Part 1, para 4(2)(b) – the officer who shall sign a summons to attend a Council meeting.</p>	<p>Chief Executive</p> <p>Chief Executive</p>	<p>Monitoring Officer</p> <p>Democratic Services Manager</p>
<p>(3) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 to the Treasurer of a local authority.</p>	Chief Financial Officer (Director of Resources)	Head of Finance & Procurement

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<p>(4) The following provisions of the Local Government Act 1972:-</p> <p>(a) Section 115(2) – the officer who shall receive all money due from any other Officer of the Council.</p> <p>(b) Section 146(1) – the officer who (upon a transfer of securities the alteration of the name of the District) shall make a statutory declaration specifying the securities and verifying the change of name and identify of the Council or shall give such a certificate as it is prescribed by paragraph of this subsection.</p> <p>(c) Section 151 – the officer having responsibility for the administration of the financial affairs of the Council.</p>	<p>Chief Financial Officer (Director of Resources)</p> <p>Chief Financial Officer (Director of Resources)</p> <p>Chief Financial Officer (Director of Resources)</p>	<p>Head of Finance & Procurement</p> <p>Head of Finance & Procurement</p> <p>Head of Finance & Procurement</p>

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<p>(5) The following provisions of the Representation of the People Act 1983:-</p> <p>(a) Section 8 and Section 52 – the Registration Officer for any constituency of part of a constituency coterminous with or situated in the Borough.</p> <p>(b) Section 35(1) – the Returning Officer for elections of Councillors of the District and for elections of Councillors of Parishes within the District.</p>	<p>Chief Executive</p> <p>Chief Executive</p>	<p>Electoral Services Manager</p> <p>Electoral Services Manager</p>
<p>(6) The following provisions of the Local Government Act 1972:-</p> <p>(a) Section 83(1) – the Officer to whom a person elected to the office of Chairman, Vice-Chairman, Councillor or elected Mayor of the Council of the district shall deliver a declaration of acceptance of office in a form prescribed by rules made under Section 42 of the Act.</p> <p>(b) Section 84 – the Officer to whom a person elected to any office under the Act or elected as an elected Mayor may give written notice of resignation.</p> <p>(c) Section 89(1) – the Officer to whom notice shall be given of any casual vacancy occurring in the office of</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>Democratic Services Manager</p> <p>Democratic Services Manager</p> <p>Democratic Services Manager</p>

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<p>Councillor.</p> <p>(d) Section 191(2) – the Officer who shall receive an application under section 1 of the Ordnance Survey Act 1841.</p> <p>(e) Section 210(6) – the Officer who shall exercise the powers relating to charities conferred by these subsections.</p> <p>(f) Section 225(1) – the Officer who shall receive and retain documents deposited with the Council pursuant to the Standing Orders of either Houses of Parliament or to any enactment or instrument, and shall take such action relating to these documents as may be directed.</p> <p>(g) Schedule 12, Part I, para 4(3) – the officer to whom a member of the Council shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his place of residence.</p> <p>(h) Schedule 14, Part II, para 25(7) – the officer who shall certify a resolution of the Council under this paragraph.</p> <p>(k) Section 236(9) – the officer who shall send a copy of every byelaw made by the Council and confirmed to the</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Head of Legal Partnership</p> <p>Head of Legal Partnership</p>	<p>Democratic Services Manager</p> <p>Democratic Services Manager</p> <p>Democratic Services Manager</p> <p>Democratic Services Manager</p> <p>Chief Executive</p> <p>Monitoring Officer</p>

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<p>Proper Officer of every parish to which they apply.</p> <p>(l) Section 236(10) – the officer who shall send a copy of every byelaw made by the Council and confirmed to the Council of the County.</p> <p>(m) Section 238 – the officer who shall certify a printed copy of a byelaw of the Council.</p> <p>(n) In relation to Section 13(3) of the Local Government Act 1972 – the Officer who together with the Chairman of the Parish Member shall be a body corporate by the name “The Parish Trustees”.</p>	<p>Head of Legal Partnership</p> <p>Head of Legal Partnership</p> <p>Chief Executive</p>	<p>Monitoring Officer</p> <p>Chief Executive</p> <p>Democratic Services Manager</p>
<p>(7) The Proper Officer for the purposes of Part I of the Local Government and Housing Act 1989.</p>	<p>Chief Executive</p>	<p>Head of Human Resources Partnership</p>
<p>(8) In relation to Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 – the officer for certifying documents as provided for under this section – evidence of resolutions and minutes of proceedings</p>	<p>Head of Legal Partnership</p>	<p>All other authorised legal officers exercising delegated powers</p>

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<p>(9) The following provisions of the Local Government Act 1972:-</p> <p>(a) Section 229(5) – the officer who shall certify a photographic copy of a document in the custody of the Council, or of a document which has been destroyed while in the custody of the Council, or of any part of any such document.</p> <p>(b) Section 234(1) – the officer whose signature shall authenticate any notice, order of other document which the Council is required or authorised to issue by or under any enactment.</p>	<p>Head of Legal Partnership</p> <p>Head of Legal Services</p>	<p>All other authorised legal officers exercising delegated powers</p> <p>All other authorised legal officers exercising delegated powers</p>
<p>(10) Any reference in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Public Health Inspector.</p>	<p>Mid-Kent Environmental Services Manager</p>	<p>Food and Safety Team Leader</p>
<p>(11) The officer responsible for the convening of newly created Parish Councils.</p>	<p>Chief Executive</p>	<p>Electoral Services Manager</p>
<p>(12) To be the Proper Officer for receipt of the Record of Officer Decisions required by The Openness of Local Government Bodies Regulations 2014.</p>	<p>Monitoring Officer</p>	<p>Deputy Monitoring Officer</p>

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<p><u>PART I PUBLIC HEALTH ENACTMENTS</u></p> <p>(13) <u>Public Health (Control of Disease) Act 1984</u></p>	<p>Consultant in Health Protection Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p>	<p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p>

Function	Proper Officer	Person to act in the event of the Proper officer being absent or otherwise unable to act
(13) Continued	Clinical Director of the Kent Health Protection Unit	Mid-Kent Environmental Services Manager
	Clinical Director of the Kent Health Protection Unit	Mid-Kent Environmental Services Manager
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<p>(13) Continued</p> <p>Section 48 - Removal of dead body to mortuary for burial.</p> <p>Section 58 - Authentication of documents.</p> <p>Section 60 - Service of notices and other documents.</p>	<p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p>	<p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p>

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<u>PART II STATUTORY INSTRUMENT</u>		
<u>Health Protection (Notification) Regulations 2010</u>		
Regulation 6 – Duty on the relevant local authority to disclose notification to others	Clinical Director of the Kent Health Protection Unit	Mid-Kent Environmental Services Manager
	Clinical Director of the Kent Health Protection Unit	Mid-Kent Environmental Services Manager
	Clinical Director of the Kent Health Protection Unit	Mid-Kent Environmental Services Manager
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Function	Proper Officer	Person to act in the event of the Proper officer being absent or otherwise unable to act
<p>Public Health (Aircraft) Regulations 1979 No. 1434).</p> <p>Public Health (Ships) Regulations 1979 (SI 1979 No. 1435).</p>	<p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p> <p>Clinical Director of the Kent Health Protection Unit</p>	<p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p> <p>Mid-Kent Environmental Services Manager</p>
<p><u>PART III OTHER ENACTMENTS</u></p> <p><u>National Assistance Act 1948</u></p> <p>Section 47 - The removal to suitable premises of persons in need of care and attention subject to the “Medical Officer of Health” certifying in writing that “he is satisfied..... it is necessary to remove any such persons.....”</p>	<p>Food and Safety Team Leader</p>	<p>Mid-Kent Environmental Services Manager</p>