Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Combined Authorities (Mayoral Elections) Order 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2017 No. 67

LOCAL GOVERNMENT, ENGLAND

The Combined Authorities (Mayoral Elections) Order 2017

Made - - - - 30th January 2017

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 114 and 117(1A) and (5) of, and paragraph 12 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009 [F1].

The Secretary of State has consulted the Electoral Commission about this Order in accordance with paragraph 12(4) of Schedule 5B to that Act.

The provisions of this Order which relate to the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses) are made in accordance with a recommendation of the Electoral Commission.

In accordance with section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, a draft of this Order has been laid before and approved by resolution of each House of Parliament.

F1 2009 c. 20. Section 117 was amended, and Schedule 5B inserted, by the Cities and Local Government Devolution Act 2016 (c. 1).

Citation and commencement

1. This Order may be cited as the Combined Authorities (Mayoral Elections) Order 2017 and comes into force the day after the day on which it is made.

Interpretation

2. In this Order—

"the 1983 Act" means the Representation of the People Act 1983 [F2];

"the 2009 Act" means the Local Democracy, Economic Development and Construction Act 2009;

"the Elections Regulations" means the Representation of the People (England and Wales) Regulations 2001 [F3];

"the Combined Authority Mayoral Elections Rules" means the rules set out in Schedule 1 or Schedule 3 to this Order as the case may be;

"the Referendums Regulations" means the Local Authorities (Conduct of Referendums) (England) Regulations 2012 [F4] or the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 [F5];

"candidate" means a candidate to be a combined authority mayor;

"combined authority mayor", in relation to the area of a combined authority, means the mayor for the area of the authority by virtue of an order under section 107A(1) [F6] of the 2009 Act;

"combined authority mayoral election" and "election" means an election for the return of a combined authority mayor;

"combined authority returning officer" means—

(a) the person appointed under article 6; or

(b) any person appointed under subsection section 35(4) of the 1983 Act by a person of a description mentioned in paragraph (a);

"constituent council" in relation to the area of a combined authority, means—

(a) a county council the whole or any part of whose area is within the area of the combined authority; or

(b) a district council whose area is within the area of the combined authority [F7];

"electoral area" means the area for the combined authority for which the election is held;

"European Parliamentary election" has the same meaning as in section 27(1) of the Representation of the People Act 1985 [F8];

"local government election" has the same meaning as in section 203(1) [F9] of the 1983 Act;

"local government mayoral election" means an election for the return of an elected mayor in accordance with Part 1A of the Local Government Act 2000 [F10];

"police and crime commissioner election" means an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 [F11];

"proper officer" has the meaning given by section 270(3) of the Local Government Act 1972 [F12];

"referendum" means a referendum conducted under the Referendums Regulations;

"register of local government electors" means the register maintained under section 9 of the Representation of the People Act 1983 [F13];

"relevant election or referendum" means one or more of the following—

(a) a Parliamentary election,

(b) a European Parliamentary election,

(c) a local government election,

(d) a local government mayoral election,

(e) another combined authority mayoral election,

(f) a referendum,

(g) a police and crime commissioner election,

the poll at which is taken together with the poll at the combined authority mayoral election;

"returning officer", in relation to a combined authority mayoral election, means—

(a) the person appointed in accordance with article 5, or

(b) any person appointed under section 35(4) [F14] of the 1983 Act by a person of a description mentioned in paragraph (a).

F2 1983 c. 2.
F3 S.I. 2001/341 amended by S.I. 2001/1700, 2002/1871, 2006/2910, 2013/3198, 2015/1376 and 2015/1971.
F4 S.I. 2012/323.
F5 S.I. 2012/444 amended by S.I. 2013/409, 2014/231 and 2014/925.
F6 Section 107A was inserted by the Cities and Local Government Devolution Act 2016, section 2.
F7 See section 120 of the Local Democracy, Economic Development and Construction Act 2009 for meaning of "combined authority".
F8 1985 c. 50.
F9 The definition of "local government election" in section 203(1) was amended by the Greater London Authority Act 1999 (c. 29), **section 17** and Schedule 3. See Schedule 2 for further modifications of this section.
F10 2000 c. 22. Part 1A was inserted by the Localism Act 2011 (c. 20), **section 21** and Schedule 2.
F11 2011 c. 13.
F12 1972 c. 70.
F13 1983 c. 2. Section 9 was substituted by the Representation of the People Act 2000 (c. 2), **section 8** and Schedule 1.
F14 Subsection (4) was amended by the Education Reform Act 1988 (c.40), **section 237** and Schedule 12.

Conduct of combined authority mayoral elections

3.—(1) Subject to article 4(1), a combined authority mayoral election shall be conducted in accordance with the rules set out in Schedule 1.

(2) The relevant provisions in the enactments referred to in paragraph (3) shall have effect in relation to the conduct of a combined authority mayoral election as they have effect in relation to the conduct of an election of councillors for any county electoral division or district ward subject to the modifications set out in paragraph (4).

(3) The enactments referred to in paragraph (2) are—

(a) the 1983 Act,

(b) the Representation of the People Act 1985,

(c) the Representation of the People Act 2000 [F15],

(d) the Political Parties, Elections and Referendums Act 2000 [F16],

(e) the Elections Regulations, and

(f) the Electoral Administration Act 2006 [F17].

(4) The modifications referred to in paragraph (2) are—

(a) references in the relevant provisions to "local government elections" shall be taken to include combined authority mayoral elections,

(b) references in the relevant provisions to a "candidate" shall be taken to include a candidate at a combined authority mayoral election,

(c) references in the relevant provisions to a "returning officer" shall be taken to include a combined authority returning officer,

(d) the other modifications set out in Schedule 2.

(5) In this article "relevant provisions" means the provisions which have effect in relation to the conduct of the election of councillors for any county electoral division or district ward.

F15 2000 c. 2.
F16 2000 c. 41.
F17 2006 c. 22.

Combination of polls

4.—(1) Where the poll at a combined authority mayoral election is taken together with the poll at a relevant election or referendum a combined authority mayoral election shall be conducted in accordance with the rules set out in Schedule 3.

(2) The instruments specified in Schedule 4 are amended to make further provision for the combination of polls.

Returning officer

5.—(1) Functions conferred by this Order on the returning officer, in relation to the area of a constituent council, shall be discharged by the person who is for the time being the returning officer for the area of that council by virtue of section 35 (returning officers: local elections) of the 1983 Act, as modified by Schedule 2 or (in the case of a combined poll) Schedule 4 to this Order.

(2) It is the returning officer's general duty at the election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Order.

(3) The returning officer must also appoint and pay any such persons as may be necessary for the purpose of the counting of the votes.

Combined authority returning officer

6.—(1) The combined authority must appoint one of its officers, or one of the officers of a constituent council, to be the combined authority returning officer in relation to the election.

(2) The combined authority returning officer may give, to a returning officer, directions relating to the discharge of his or her functions at the election, including directions requiring the provision to the combined authority returning officer of any information which the returning officer has or is entitled to have, directions requiring him or her to take specified steps in preparation for the election, directions that the ballot papers shall be printed by the combined authority returning officer and directions that the count of votes shall be conducted at a central location.

(3) It shall be the duty of a returning officer to whom directions are given under paragraph (2) to discharge his or her functions at the election in accordance with the directions.

Questioning of combined authority mayoral election

7. For the purposes of paragraph 12(6) of Schedule 5B to the 2009 Act, Part 3 (legal proceedings) of the 1983 Act shall have effect in relation to the questioning of an election for the return of a combined authority mayor as it has effect in relation to the questioning of an election under the Local Government Act 1972 [F18].

F18 1972 c. 70.

Free delivery of election addresses

8.—(1) Each candidate at a combined authority mayoral election shall be entitled (subject to and in accordance with the provisions of Schedule 5) to have an election address prepared on behalf of the candidate included in a booklet of election addresses—

(a) prepared by the combined authority returning officer, and

(b) delivered by that officer to each person entitled to vote at that election.

(2) Candidates' election addresses shall be delivered at the expense of the combined authority.

(3) Schedule 5 (which makes provisions supplementing paragraph (1) above) shall have effect.

Signed by authority of the Secretary of State for Communities and Local Government

Department for Communities and Local Government

Andrew Percy
Parliamentary Under Secretary of State