Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2017 No.

LOCAL GOVERNMENT, ENGLAND

The Combined Authorities (Mayoral Elections) (Amendment) Order 2017

*Made - - - - *** 2017*

Coming into force in accordance with article 1(2)

The Minister for the Cabinet Office makes the following Order in exercise of the powers conferred by sections 114(1) and (1A) and 117(5) of, and paragraph 12 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(**1**).

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

In accordance with section 117(2)(**2**) of that Act, a draft of this Order has been laid before and approved by resolution of each House of Parliament.

Citation, commencement and transitional

1.—(1) This Order may be cited as the Combined Authorities (Mayoral Elections) (Amendment) Order 2017.

(2) This Order comes into force on the day after the day on which it is made.

(3) Articles 2 and 4 of this Order have no effect in relation to any election in respect of which the notice of election(**3**) is published on or before the day of the coming in force of this Order.

Amendment of the Combined Authorities (Mayoral Elections) Order 2017

2.—(1) Schedule 1 (the Combined Authority Mayoral Elections Rules) to the Combined Authority (Mayoral Elections) Order 2017(**4**) is amended as follows.

(**1**) 2009 c. 20; section 114 was amended by paragraph 26 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1); section 117(5) was inserted by paragraph 29(5) of Schedule 5 to the Cities and Local Government Devolution Act 2016, and Schedule 5B was inserted by section 2(2) of, and Schedule 1 to, that Act. The powers conferred under Schedule 5B are exercisable concurrently by the Secretary of State and the Minister for the Cabinet Office, see section 114(1A) as amended by the Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016 (S.I. 2016/997).

(**2**) Section 117(2) was substituted by section 13(2) of the Localism Act 2011 (c. 20).

(**3**) See rule 5 of Schedule 1 and rule 5 of Schedule 3 to SI 2017/67.

(**4**) S.I. 2017/67.

(2) In rule 8 (subscription of nomination paper), paragraph (7)—

(a) for the definition of "elector" substitute—

> ""elector" means a person entitled to vote as an elector at the combined authority mayoral election(**5**) and who is registered in the register of local government electors on the last day for the publication of notice of the election; and includes a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll;"

(b) for the definition of "local government elector" substitute—

> ""local government elector" means a person who is registered in the register of local government electors at an address within the constituent council's area on the last day for the publication of the notice of election; and includes a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll;"

(3) In Part 9 (appendix of forms) for Form 1 (form of nomination paper) substitute—

(**5**) See paragraph 6 of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 for entitlement to vote.

Form of Nomination Paper

(for use at combined authority mayoral elections)

Office use only

Date Delivered	Time delivered	Details

ELECTION OF MAYOR for the Combined Authority of……

Date of election .....

We, the undersigned, being electors for the said [*combined authority area*] do hereby nominate the person whose name appears below as a candidate at the mayoral election.

Candidate's surname	Other forenames in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any) use no more than six words	*Home Address in full / Local Government Electoral Area

**Delete as Appropriate*

 # I am content for my home address to be made public and have provided it above

 # I do not wish for my home address to be made public and have instead provided my electoral area above

**Delete whichever is inappropriate*

#Candidate's Signature: ……..

 # Combined Authority Returning Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.

Mr/Mrs/Miss/Ms/Dr/Other

Signature	Print name	Local Authority	Electoral number	
			Polling District	Number
Proposer……	……	……	……	……
Seconder……	……	……	……	……
We, the undersigned being electors for the said [electoral area], do hereby assent to the foregoing nomination				
Signature				
1……	……	……	……	……
2……	……	……	……	……
3……	……	……	……	……
4……	……	……	……	……

5.				
6.				
7.				
8.				
90.				
91.				
92.				
93.				
94.				
95.				
96.				
97.				
98.				

NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination papers contained in rules in Schedule 1 to the Combined Authorities (Mayoral Elections) Order 2017.

2. Where a candidate is commonly known by some title they may be described by their title as if it were their surname.

3. Where a candidate commonly uses a name which is different from any other name they have, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.

4. But the ballot paper will show the other name if the combined authority returning officer

   (a) thinks that the use of the commonly used name may be likely to mislead or confuse electors, or
   (b) that the commonly used name is obscene or offensive.

5. The description, if any, can only be

   (a) one certified as an authorised or registered description as mentioned in rule 7 of the election rules, or

   (b) the word “Independent”.

6. In this form "elector"

   (a) means a person entitled to vote as an elector at the combined authority mayoral election and who is registered in the register of local government electors on the last day for the publication of notice of the election; and

   (b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll.

7. However, a person who has an anonymous entry in the register of local government electors cannot nominate a candidate for election.

3.—(1) Schedule 2 (modifications of Acts and statutory instrument) to the Combined Authorities (Mayoral Elections) Order 2017 is amended as follows.

(2) In paragraph 3 (the Representation of the People Act 2000) after sub-paragraph (1) insert—