Draft Order laid before Parliament under section 105 of the Local Government Act 2000, for approval by the resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2014

Made - - - - 2014

Coming into force in accordance with regulation 1(2)

The Lord President of the Council, in exercise of the powers conferred by sections 9HE, 44 and 105 of the Local Government Act 2000(**1**), makes the following Regulations.

The Lord President of the Council has consulted the Electoral Commission about these Regulations in accordance with sections 9HE(4) and 44(3A) that Act.

In accordance with section 105(6) of that Act, a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement, transition and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2014.

(2) These Regulations come into force on 6th April 2014 but have no effect in relation to any election in respect of which the date of the poll specified in the notice of election is on or before 21st May 2014.

(3) In these Regulations "the 2007 Regulations" means the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(**2**).

(4) In these Regulations, unless otherwise stated, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in the 2007 Regulations.

(**1**) 2000 c.22. Section 9HE was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c.20); it is contained within Part 1A of the Local Government Act 2000, which deals with local authority governance in England. Sections 44(3A) and (3B) were inserted by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41); section 44 is contained within Part 2 of the Local Government Act 2000 which, as amended by the Localism Act 2011, deals with local authority governance in Wales. The powers conferred on the Secretary of State by section 44 were made exercisable concurrently by the Lord President of the Council and the Secretary of State by the Lord President of the Council Order 2010 (S.I. 2010/1837). The powers conferred on the Secretary of State by section 9HE were made exercisable concurrently by the Lord President of the Council and the Secretary of State by the Transfer of Functions (Elections and Referendums) Order 2013 (S.I. 2013/2597). Section 105 of the Local Government Act 2000 was amended by Schedule 4 and Schedule 25 to the Localism Act 2011.

(**2**) S.I. 2007/1024, amended by S.I. 2012/1917 and S.I. 2012/2059; there are other amending instruments but none is relevant.

Revocations

2. The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2012(**3**), and the amendments made to the 2007 Regulations by those Regulations, are revoked.

Amendment of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

3. In regulation 2 (interpretation), in the definition of "the Referendums Regulations" for "Local Authorities (Conduct of Referendums) (England) Regulations 2001" substitute "Local Authorities (Conduct of Referendums) (England) Regulations 2012"(**4**).

4. In regulation 5 (questioning of mayoral election) for "section 44(4)" substitute "sections 9HE(6) and 44(4)".

5.—(1) Schedule 1 (the Mayoral Elections Rules) is amended as follows.

(2) In rule 3 (timetable), in the column of the table headed "Time"—

(a) for the entry opposite "Delivery of nomination papers" substitute "Not later than 4 in the afternoon on the nineteenth day before the day of election";

(b) for the entry opposite "Publication of statement as to persons nominated" substitute "Not later than 4 in the afternoon on the eighteenth day before the day of election"; and

(c) for the entry opposite "Delivery of notices of withdrawal of candidature" substitute "Not later than 4 in the afternoon on the nineteenth day before the day of election".

(3) In rule 5(3) (notice of election) for "returning officer" substitute "registration officer".

(4) In rule 9 (consent to nomination) for paragraph (b) substitute—

"(b) is in the appropriate form in the Appendix or a form to the like effect and includes—

(i) for a nomination in England, a copy of sections 80 and 81 of the Local Government Act 1972(**5**), section 78A of the Local Government Act 2000(**6**) and section 34 of the Localism Act 2011(**7**); or

(ii) for a nomination in Wales, a copy of sections 80 and 81 of the Local Government Act 1972 and sections 78A and 79 of the Local Government Act 2000(**8**)."

(5) In rule 30 (notification of requirement of secrecy), make the existing provision paragraph (1) and after that paragraph insert—

(**3**) S.I. 2012/2059.
(**4**) S.I. 2012/323.
(**5**) 1972 c.70; section 80 was amended by section 38 of, and Schedule 6 to, the Local Government Finance Act 1982 (c.32), paragraph 12 of Schedule 8 to the Representation of the People Act 1983 (c.2), sections 139 and Schedule 8 to the Transport Act 1985 (c.67), section 84 of and paragraph 3 of Schedule 14 to the Local Government Act 1985 (c.51), section237 of and Schedules 12 and 13 to the Education Reform Act 1988 (c.40), sections 1 and 194 of, and Schedules 11 and 12 to, the Local Government and Housing Act 1989 (c.42), section 78 and paragraph 10 of Schedule 10 to the Environment Act 1995 (c.25), section 69 of the Greater London Authority Act 1999 (c.29), section 267 of the Enterprise Act 2002 (c.40), sections 46 and 107, paragraph 8 of Schedule 3, paragraph 8 of Schedule 5 and Schedule 6 to the Local Government Act 2000, sections 74, 216 and 241 and paragraphs 1 and 6 of Schedule 3, paragraph 2 of Schedule 14 and part 3 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c.28), section 119 and paragraphs 10 and 12 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c.20), S.I. 1996/263, S.I. 1999/2267S.I. 2001/2237S.I. 2002/808S.I. 2012/2404.
(**6**) 2000 c.22; section 78A was inserted by section 198 of the Local Government and Public Involvement in Health Act, and repealed by sections 26 and 237, paragraphs 7 and 44 of Schedule 4 and part 5 of Schedule 25 to the Localism Act 2011 (c.20), subject to the transitional provision in article 7 of S.I. 2012/1463.
(**7**) 2011 c.20.
(**8**) Section 79 was amended by section 199 of the Local Government and Public Involvement in Health Act 2007 and sections 26 and 237, paragraphs 7 and 46 of Schedule 4 and part 5 of Schedule 25 to the Localism Act 2011.

"(2) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002(**9**) (police powers for employees)."

(6) In rule 32 (admission to polling station), after paragraph (5) insert—

"(6) In this rule, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees)."

(7) In rule 37 (voting procedure), after paragraph (5), insert—

"(6) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purposes of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly."

(8) In rule 47 (the first count), after paragraph (5) insert—

"(5A) A postal ballot paper or postal voting statement that reaches the returning officer or a polling station on or after the close of the poll is treated for the purposes of this rule as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it."

(9) In rule 54 (declaration of result), in paragraph (1) for "section 42(2)" substitute "section 9HC(2) or (3) or section 42(2) or (3)".

(10) In the Appendix of Forms, in the "Form of Candidate's Consent to Nomination", for the words from "I declare that to the best of my knowledge" to "within the meaning of that Part", substitute—

"*For a nomination in England:

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972, section 78A of the Local Government Act 2000 or section 34 of the Localism Act 2011 (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

*For a nomination in Wales:

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, section 80 of the Local Government Act 1972 or section 78A or 79 of the Local Government Act 2000 (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

**Delete whichever is inappropriate*.".

(11) In the Appendix of Forms, for the forms listed below substitute the corresponding forms in Schedule 1 to these Regulations—

(a) Form 3 (ballot paper (two candidates)) including the directions as to printing;

(b) Form 4 (ballot paper (three or more candidates)) including the directions as to printing;

(**9**) 2002 c.30; section 38 was amended by section 120 of and paragraphs 179 and 181 of Schedule 4 and part 2 of Schedule 17to the Serious Organised Crime and Police Act 2005 (c.15), section 7 of and paragraphs 1 and 2 of Schedule 5 to the Police and Justice Act 2006 (c.48), paragraph 125 and part 13 of Schedule 7 and part 13 of Schedule 8 to the Policing and Crime Act 2009 (c.26) and section 99 and paragraphs 277 and 292 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13).

(c) Form 7 (postal voting statement);

(d) Form 8 (official poll card);

(e) Form 9 (official postal poll card);

(f) Form 10 (official proxy poll card);

(g) Form 11 (official proxy postal poll card);

(h) Form 12 (directions for the guidance of voters);

(i) Form 13 (certificate of employment); and

(j) Form 14 (declaration to be made by the companion of a voter with disabilities).

6.—(1) Schedule 2 (Modification of Acts and Statutory Instrument) is amended as follows.

(2) For "regulations under section 44", wherever it appears, substitute "regulations under section 9HE or 44".

(3) In Table 1 (The Representation of the People Act 1983)—

(a) in the entry in column (2) opposite Section 39 (local elections void etc. in England and Wales), in the entry relating to subsection (6) before "Part 2" insert "Part 1A or";

(b) in the entry in column (2) opposite Section 47 (loan of equipment for local elections) before "Part II" insert "Part 1A or";

(c) for the entry in column (2), opposite Section 199B (translation of certain documents) substitute—

"In subsection (6), insert after paragraph (b)—

"(ba) in the case of an election for a mayor under the 2000 Act, must have printed at the top of the list of candidates the words "Vote (x) for one candidate only" if there are only two candidates, or the words "Vote once (x) in column 1 for your first choice, and Vote once (x) in column 2 for your second choice" if there are more than two candidates;".; and"

(d) in the entry in column (2) opposite Section 203 (local government provisions as to England and Wales) before "Part II" insert "Part 1A or".

(4) In Table 4 (The Representation of the People (England and Wales) Regulations 2001)—

(a) in the entry in column (2) opposite Regulation 3 (interpretation) before "Part 2" insert "Part 1A or"; and

(b) in the entry in column (2) opposite Regulation 64 (interpretation of Part 5) before "Part 2" insert "Part 1A or".

7.—(1) Schedule 3 (the Mayoral Election (Combination of Polls) Rules) is amended as follows.

(2) In rule 3 (timetable), in the column of the table headed "Time"—

(a) for the entry opposite "Delivery of nomination papers" substitute "Not later than 4 in the afternoon on the nineteenth day before the day of election";

(b) for the entry opposite "Publication of statement as to persons nominated" substitute "Not later than 4 in the afternoon on the eighteenth day before the day of election"; and

(c) for the entry opposite "Delivery of notices of withdrawal of candidate" substitute "Not later than 4 in the afternoon on the nineteenth day before the day of election".

(3) In rule 5(3) (notice of election) for "returning officer" substitute "registration officer".

(4) In rule 9 (consent to nomination) for paragraph (b) substitute—

"(b) is in the appropriate form in the Appendix or a form to the like effect and includes—

(i) for a nomination in England, a copy of sections 80 and 81 of the Local Government Act 1972, section 78A of the Local Government Act 2000 and section 34 of the Localism Act 2011; or

(ii) for a nomination in Wales, a copy of sections 80 and 81 of the Local Government Act 1972 and sections 78A and 79 of the Local Government Act 2000."

(5) For rule 28(10) (equipment of polling stations) substitute the following—

7.—"(10) In every compartment of every polling station there must be exhibited the notice:

"PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.

*EUROPEAN PARLIAMENTARY ELECTION

([*Specify colour*] ballot paper)

Vote ONLY ONCE by putting a cross [X] in the box next to your choice.

*[Specify name of council] COUNCIL ELECTION

([*Specify colour*] ballot paper)

*[Vote for NO MORE THAN … CANDIDATES by putting a cross [X] in the box next to EACH of your choices.]

*[Vote ONLY ONCE by putting a cross [X] in the box next to your choice.]

*ELECTION OF THE MAYOR OF LONDON

([*Specify colour*] ballot paper)

#On the ballot paper for the election of the Mayor, vote ONCE for your first choice and ONCE for your second choice.

*ELECTION OF THE LONDON ASSEMBLY

#On the constituency members ballot paper ([*specify colour*]) vote for ONE candidate only.

#On the London members ballot paper ([*specify colour*]) vote for ONE party or individual candidate only.

*LOCAL MAYORAL ELECTION

([*Specify colour*] ballot paper)

*[Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.]

*[Vote by putting a cross [X] in the box

In column 1 next to your FIRST CHOICE candidate

In column 2 next to your SECOND CHOICE candidate

Your first and second choices should be different.]

*[*Specify other*] ELECTION/REFERENDUM

([*Specify colour*] ballot paper)

[Specify voting instructions in accordance with the legislation governing the election or referendum]

PUT NO OTHER MARK ON THE BALLOT PAPER OR YOUR VOTE MAY NOT COUNT.