Draft Order laid before Parliament under section 37A(10) of the Representation of the People Act 1983, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

LOCAL GOVERNMENT, ENGLAND

The Local Elections (Ordinary Day of Elections in 2009) Order 2008

Made - - - - ***

Coming into force in accordance with article 1(1)

The Secretary of State makes this Order in exercise of the powers conferred by section 37A of the Representation of the People Act 1983(**1**).

Before making this Order, the Secretary of State consulted the following about the proposal—

(a) the Electoral Commission, and

(b) such other persons as she considered appropriate.

In accordance with section 37A(10) of the Representation of the People Act 1983, a draft of this Order was laid before, and approved by, both Houses of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Elections (Ordinary Day of Elections in 2009) Order 2008, and comes into force on the day after that on which it is made.

(2) In this Order, "the 1972 Act" means the Local Government Act 1972(**2**).

Change of ordinary day of election

2. In 2009, the ordinary day of election of councillors in England for—

(a) counties and districts; and

(b) parishes,

shall be changed so as to be the same as the date of the poll at the European Parliamentary general election held in that year.

(**1**) 1983 c.2. Section 37A was inserted by section 60 of the Local Government and Public Involvement in Health Act 2007 (2007 c. 28).

(**2**) 1972 c.70.

Parish council elections

3. Section 16(1) of the Representation of the People Act 1985(**3**) shall not apply in relation to any elections of parish councillors to be held on the ordinary day of election of councillors for local government areas in England in 2009.

Retirement date of councillors retiring or coming into office in 2009

4.—(1) The retirement date of a councillor or elected mayor who would regularly retire on the fourth day after the ordinary day of election in 2009 shall be determined in accordance with article 2, even if, as a result of the change in the ordinary day of election, his or her term of office will be longer than the period specified in any enactment.

(2) The retirement date of a councillor or elected mayor who comes into office on the fourth day after the ordinary day of election in 2009 shall be unaffected by article 2, even if, as a result of the change in the ordinary day of election, his or her term of office will be shorter than the term specified in any enactment.

(3) In this regulation, "elected mayor" means an individual elected as mayor of an authority in accordance with Part 2 of the Local Government Act 2000.

Elections to fill casual vacancies

5. In relation to a casual vacancy in the office of a councillor of a district, county or parish council who would regularly have retired on the fourth day after the ordinary day of election in 2009—

(a) section 89(3) of the 1972 Act; and

(b) paragraphs (3) and (6) of rule 5 of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(**4**),

have effect as if for the words "six months before" in each of these provisions there were substituted the words "the period beginning with 7th November 2008 and ending immediately before".

Annual meetings

6. In relation to the annual meetings of authorities in England in 2009, the provisions of Schedule 12 to the 1972 Act have effect as if—

(a) in paragraph 6A(1)(**5**) (date of annual meeting of joint authorities and police authorities), for the words "and 30th June" there were substituted the words "and 31st August";

(b) in paragraph 14(1) (date of annual meeting of parish), in the case of a parish council for which 2009 is a year of ordinary elections, for the words "and 1st June" there were substituted the words "and 1st July".

Administration of European Parliamentary elections

7.—(1) Paragraphs (2) and (3) shall have effect for the purposes of the European Parliamentary general elections in England in 2009.

(**3**) 1985 c.50.
(**4**) S.I. 2006/3305.
(**5**) Paragraph 6A of Schedule 12 to the Local Government Act 1972 was inserted by paragraph 35(2) of Schedule 14 to the Local Government Act 1985 (c.51), and substituted by section 10(3) of the Local Government Act 1986 (c.10). It has been amended by paragraph 15(2) of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c.29), paragraph 1(2)(h) of Schedule 7 to the Police Act 1996 (c.16), and paragraph 36(2) of Schedule 27 to the Greater London Authority Act 1999 (c.29).