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

DRAFT STATUTORY INSTRUMENTS

2007 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

Made - - - -	*2007*
Coming into force - -	*2007*

The Secretary of State makes the following Regulations in exercise of the powers conferred upon him by sections 44 and 105 of the Local Government Act 2000(**1**).

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 44(3A)(**2**) of the 2000 Act.

The provisions of these Regulations 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.

A draft of these Regulations has been laid before and approved by resolution of each House of Parliament:

Citation, Commencement and Revocation

1.—(1) These Regulations may be cited as the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007.

(2) These Regulations come into force on the day after that on which they are made except for the purposes of an election if the last date for the publication of the notice of election for that election is on or before 26 March 2007.

(3) The following instruments are revoked—

(a) The Local Authorities (Mayoral Elections)(England and Wales) Regulations 2002(**3**);

(b) The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2004 (**4**);

(**1**) 2000 c.22.
(**2**) Subsections (3A) and (3B) of section 44 were inserted by the Political Parties, Elections and Referendums Act 2000 c.41 Schedule 21, paragraph 18(1), (2).
(**3**) S.I. 2002/185.
(**4**) S.I. 2004/225.

(c) The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005(**5**) to the extent of Part 4 of Schedule 12.

Interpretation

2. In these Regulations, —

"the 2000 Act" means the Local Government Act 2000;

"the 1983 Act" means the Representation of the People Act 1983(**6**);

"the Elections Regulations" means the Representation of the People (England and Wales) Regulations 2001(**7**);

"the Mayoral Elections Rules" means the rules set out in Schedule 1 to these Regulations;

"the Referendums Regulations" means the Local Authorities (Conduct of Referendums) (England) Regulations 2001(**8**);

"candidate" means a candidate to be an elected mayor;

"election" or "mayoral election" means an election for the return of an elected mayor;

"electoral area"—

(a) in relation to a mayoral election in England, means the county, district or London borough in which the election is held;

(b) in relation to a mayoral election in Wales, means the county or county borough in which the election is held;

"European Parliamentary election" shall have the same meaning as in section 27(1) of the Representation of the People Act 1985(**9**);

"local government election" shall have the same meaning as in section 203(1) of the 1983 Act(**10**);

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

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

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

(a) a Parliamentary election(**11**);

(b) a European Parliamentary election;

(c) a local government election;

(d) another mayoral election; and

(e) a referendum,

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

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

(a) the proper officer of the London borough concerned or, as the case may be, the person appointed as the returning officer for the election in accordance with subsection (1) or

(**5**) S.I. 2005/2114.
(**6**) 1983 c.2.
(**7**) S.I. 2001/341, amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.
(**8**) S.I.2001/1298, amended by S.I2004/226.
(**9**) 1985 c.50. Section 27(1) was amended by the European Communities (Amendment) Act 1986 (c.58), section 3(1).
(**10**) See the Representation of the People Act 1983 (c.2); section 203(1) was amended by paragraphs 39(1) and (4) of Schedule 3 to the Greater London Authority Act 1999 (c.29).
(**11**) For the definition of "Parliamentary election", see the Interpretation Act 1978 (c.30), Schedule 1.

(1A) of section 35 (returning officers: local elections in England and Wales)(**12**) of the 1983 Act as applied by these Regulations; and

(b) any person appointed under subsection (4) of that section by a person of a description mentioned in paragraph (a).

Conduct of mayoral elections

3.—(1) An election for the return of an elected mayor(**13**) shall be conducted in accordance with the Rules set out in Schedule 1 ("the Mayoral Elections Rules").

(2) The relevant provisions in the enactments referred to in paragraph (3), shall have effect—

(a) in relation to the conduct of a mayoral election in England, as they have effect in relation to the conduct of an election of councillors for any county electoral division or district or London borough ward,

(b) in relation to the conduct of a mayoral election in Wales, as they have effect in relation to the conduct of an election of councillors for any county electoral division or county borough 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(**14**);

(d) the Elections Regulations, and

(e) the Electoral Administration Act 2006(**15**).

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

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

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

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

(5) In this regulation "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 or London borough ward (in England) or any county electoral division or county borough ward (in Wales).

(**12**) Section 35(1) was amended, and section 35(1A) inserted, by the Local Government (Wales) Act 1994 (c.19), Schedule 16, paragraph 68(7). Subsections (1), (1A) and (3) of section 35 are modified, for the purposes of mayoral elections, by regulation 3(2) of, and Table 1 in Schedule 2 to, these Regulations. For the definition of "proper officer", relevant to section 35(3), see section 202(1) of the Representation of the People Act 1983, as substituted by the Greater London Authority Act 1999, Schedule 3, and section 270 of the Local Government Act 1972 (c.70).

(**13**) For the definition of "elected mayor", see section 39(1) of the Local Government Act 2000. For other provisions of that Act relevant to mayoral elections and voting at such elections, see, in particular, sections 41 to 43.

(**14**) 2000 c.2.

(**15**) 2006 c.22.

Combination of polls

4. Where the poll at a mayoral election is taken together with the poll at a relevant election or referendum(**16**), the Mayoral Elections Rules shall be modified so as to have effect as set out in Schedule 3.

Questioning of mayoral election

5. For the purposes of section 44(4) of the 2000 Act, Part 3 (legal proceedings) of the 1983 Act shall have effect in relation to the questioning of an election for the return of an elected mayor as it has effect in relation to the questioning of an election under the local government Act (**17**).

Free delivery of election addresses

6.—(1) Each candidate at a mayoral election shall be entitled (subject to and in accordance with the provisions of Schedule 4) to have an election address prepared on behalf of the candidate included in a booklet of election addresses—

(a) prepared by the returning officer; and

(b) delivered by that officer to each person entitled to vote at that election(**18**).

(2) Candidates' election addresses shall be delivered at the expense of the local authority for whose electoral area the election is held.

(3) Schedule 4 (which makes provisions supplementing paragraph (1) above) shall have effect.

Signed by authority of the Secretary of State

Name
Parliamentary Under Secretary of State
Department for Constitutional Affairs

Date

(**16**) Provisions as to the combination of polls at elections, including mayoral elections, are contained in section 36 of the Representation of the People Act 1983 (as applied by Schedule 2 of these Regulations); section 15 of the Representation of the People Act 1985 (as similarly applied); and the Local Authorities (Conduct of Referendums) (England) (Regulations) 2001.
(**17**) The definition of "local government Act" is to be found in section 203(1) of the Representation of the People Act 1983.
(**18**) As to the persons entitled to vote at mayoral elections, see section 43(1) of the Local Government Act 2000.

SCHEDULE 1 Regulation 3(1)

The Mayoral Elections Rules

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