Draft Regulations laid before Parliament under section 105(6) of the Local Government Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2004

Made - - - -	*2004*
Coming into force - -	*2004*

The First Secretary of State, in exercise of the powers conferred upon him by sections 44 and 105 of the Local Government Act 2000(**1**), having consulted the Electoral Commission as required by subsection (3A) of section 44 of that Act(**2**), hereby makes the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2004 and shall come into force on the day after that on which they are made.

Amendment of mayoral elections rules

2.—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(**3**) shall be amended as follows.

(2) In regulation 2 (interpretation), insert in the appropriate place in alphabetical order—

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

"European Parliamentary election" shall have the same meaning as in section 27(1) of the Representation of the People Act 1985(**4**);

"local government election" shall have the same meaning as in section 203(1) of the 1983 Act(**5**);

(**1**) 2000 c. 22.
(**2**) Subsection (3A) was inserted by the Political Parties, Elections and Referendums Act 2000 (c. 41), Schedule 21, paragraph 18.
(**3**) S.I.2002/185.
(**4**) 1985 c. 50.
(**5**) *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).

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

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

(a) a Parliamentary election(**6**);

(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;

(3) In regulation 3(2), for the words "regulations 5 and 6", substitute "regulation 6".

(4) For regulation 5 (combination of polls), substitute—

"**Combination of polls**

5. Where the poll at a mayoral election is taken together with the poll at a relevant election or referendum(**7**), the Mayoral Elections Rules shall be modified so as to have effect as set out in Schedule 3."

(5) In Schedule 1 in the Appendix of forms, in paragraph 7 of the form for the back of the Declaration of Identity, delete the words "and the envelopes marked "A" and "B"".

(6) In Schedule 2, Table 4 shall cease to have effect.

(7) For Schedule 3, substitute the schedule set out in the Schedule to these Regulations.

Signed by authority of the First Secretary of State

Minister of State,
2004 Office of the Deputy Prime Minister

(**6**) For the definition of "Parliamentary election", *see* the Interpretation Act 1978 (c. 30), Schedule 1.

(**7**) 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 and section 15 of the Representation of the People Act 1985 (c. 2) as applied by these Regulations, and the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298).

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PART 1

GENERAL PROVISIONS

Citation

1. These Rules may be cited as the Mayoral Elections (Combination of Polls) Rules.

Interpretation

2.—(1) In these Rules, unless the context indicates otherwise—

"the appropriate form" in relation to a particular rule, means the form set out in the Appendix to these Rules as applicable to that rule or, where more than one form is so set out, the form indicated as relevant to the particular case;

"Assembly constituency" shall have the same meaning as in section 2(4) and (5) of the Greater London Authority Act 1999(**8**);

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

"the Combination of Polls Regulations" means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(**9**);

"counting observer" shall have the same meaning as in regulation 2(1) of the Referendums Regulations;

"counting officer" shall have the same meaning as in regulation 2(1) of the Referendums Regulations;

"GLRO" means the Greater London returning officer, being the person who is for the time being the proper officer of the Greater London Authority for the purposes of section 35(2C) of the 1983 Act or any person acting on his behalf;

"local counting area" shall have the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(**10**);

"petition organiser" shall have the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(**11**);

"polling observer" shall have the same meaning as in regulation 2(1) of the Referendums Regulations;

"returning officer", in relation to an 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 (1A) of section 35 (returning officers: local elections in England and Wales)(**12**) of the 1983 Act; and

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

"voting area" shall have the same meaning as in regulation 2 of the Referendums Regulations.

(**8**) 1999 c. 29.
(**9**) S.I. 2004/****.
(**10**) S.I. 2004/****.
(**11**) S.I. 2000/2852.
(**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).