Draft Regulations laid before Parliament under section 105(5) of the Local Government Act 2000, for approval by each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002

Made - - - -	*2002*
Coming into force - -	*2002*

The Secretary of State for Transport, Local Government and the Regions, 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 which, in so far as they make provision relating to the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses) give effect to a recommendation of the Electoral Commission, as required by subsection (3B) of that section, and 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) Regulations 2002 and shall come into force on the day after that on which they are made.

Interpretation

2. In these Regulations, and in any provision as applied by these Regulations—

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

"the PPER Act" means the Political Parties, Elections and Referendums Act 2000(**3**);

"the RP Act 2000" means the Representation of the People Act 2000(**4**);

"the 1983 Act" means the Representation of the People Act 1983(**5**);

(**1**) 2000 c. 22.
(**2**) Subsections (3A) and (3B) were inserted by the Political Parties, Elections and Referendums Act 2000, Schedule 21, paragraph 18.
(**3**) 2000 c. 41.
(**4**) 2000 c. 2.
(**5**) 1983 c. 2.

"the 1986 Regulations" means the Representation of the People Regulations 1986(**6**);

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

"the European Parliamentary Elections Rules" means the rules set out in the European Parliamentary Elections Regulations 1999(**8**);

"the GLA Elections Rules" means the Greater London Authority Elections (No. 2) Rules 2000(**9**);

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

"the Parliamentary Elections Rules" means the rules set out in Schedule 1 to the 1983 Act;

"the Referendums Regulations" means the Local Authorities (Conduct of Referendums) (England) Regulations 2001(**10**);

"further referendum" means a referendum held in pursuance of an order under regulation 21(3) of the Referendums Regulations; and

"proper officer" has the meaning given by section 270(3) of the Local Government Act 1972(**11**).

Conduct of mayoral elections

3.—(1) An election for the return of an elected mayor(**12**) shall be conducted in accordance with the Rules set out in Schedule 1 to these Regulations ("the Mayoral Elections Rules").

(2) The PPER Act, the RP Act 2000, the Representation of the People Act 1985, the 1986 Regulations, the Elections Regulations and, subject to regulations 5 and 6, the 1983 Act, shall have effect—

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

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

subject to the modifications set out in Schedule 2 to these Regulations.

Forms

4.—(1) Subject to paragraph (2), the Appendix (forms) to the Mayoral Elections Rules shall have effect for the purposes of the application of those Rules.

(2) Form 2 of the forms set out in the Appendix shall have effect for the purposes of the application of those Rules in England only.

Combination of polls

5.—(1) Where the poll at a mayoral election is taken together with the poll at one or more of—

(a) a parliamentary election,

(b) a European Parliamentary election,

(**6**) S.I. 1986/1081; amended by S.I. 1990/520, 1991/1198 and 1728, 1992/722, 1994/342, 1995/1948 and 2001/341.
(**7**) S.I. 2001/341.
(**8**) S.I. 1999/2214.
(**9**) S.I. 2000/427, amended by S.I. 2000/1040.
(**10**) S.I. 2001/1298, to which there are amendments not relevant to these Regulations.
(**11**) 1972 c. 70.
(**12**) 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.

(c) an election of councillors of the council of a county, a county borough, a district or a London borough,

(d) a GLA election, and

(e) a referendum under the Referendums Regulations (including a further referendum),

such of the Regulations and Rules listed in paragraph (2) as are applicable to the election or referendum concerned (other than the mayoral election) shall have effect in relation to the mayoral election; but the provisions specified in column (1) of Part I of Schedule 3 to these Regulations shall have effect subject to the modifications set out in column (2) of that Part.

(2) The Regulations and Rules mentioned in paragraph (1) are—

(a) the 1986 Regulations,

(b) the European Parliamentary Elections Regulations 1999 (including the European Parliamentary Elections Rules),

(c) the Elections Regulations,

(d) the Referendums Regulations,

(e) the Parliamentary Elections Rules,

(f) the Local Elections (Principal Areas) Rules 1986(**13**),

(g) the Local Elections (Parishes and Communities) Rules 1986(**14**), and

(h) the GLA Elections Rules.

(3) Where—

(a) polls are combined as mentioned in paragraph (1); or

(b) the poll at a mayoral election is combined with the poll at another mayoral election,

the Mayoral Elections Rules shall have effect subject to the modifications set out in Part II of Schedule 3, except that the first of those modifications shall apply only where the poll at the mayoral election is taken together with the poll at a parliamentary or European Parliamentary election.

(4) Where polls are combined as mentioned in paragraph (3), the ballot papers to be used at each election or, as the case may be, the election and the referendum, shall be of a different colour.

Questioning of mayoral elections

6. For the purposes of section 44(4) of the 2000 Act, Part III (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(**15**).

Free delivery of election addresses

7.—(1) Each candidate at a mayoral election shall be entitled (subject to and in accordance with the provisions of Schedule 4 to these Regulations) 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(**16**).

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

(**13**) S.I. 1986/2214; amended by S.I. 1987/261, 1990/158, 1995/1948, 1998/578 and 2001/81.
(**14**) S.I. 1986/2215; amended by S.I. 1987/260, 1990/157, 1995/1804, 1995/1948, 1998/585 and 2001/80.
(**15**) The definition of "local government Act" is to be found in section 203(1) of the Representation of the People Act 1983.
(**16**) As to the persons entitled to vote at mayoral elections, *see* section 43(1) of the Local Government Act 2000.

(3) Schedule 4 to these Regulations (which makes provision supplementing paragraph (1) above) shall have effect.

(4) In this regulation—

"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; and

"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 (1A) of section 35 (returning officers: local elections in England and Wales)(**17**) of the 1983 Act; and

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

Amendment of the Local Elections (Principal Areas) Rules 1986

8. The Local Elections (Principal Areas) Rules 1986 are amended, in paragraph 14 of Schedule 4, in the inserted paragraph (1A) of rule 37, by the insertion, after "an election under the Greater London Authority Elections Rules 2000, "(**18**) of "or the Mayoral Elections Rules".

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

Minister of State
Department for Transport, Local Government
2002 and the Regions

(**17**) 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).

(**18**) These words were inserted by S.I. 2000/427, rule 7.

SCHEDULE 1 Regulation 3(1)

THE MAYORAL ELECTIONS RULES

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