

*Status: Point in time view as at 14/01/2013.*

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## SCHEDULES

### SCHEDULE 2 **E+W+S**

Section 4.

#### VOTING AT ELECTIONS

#### **PART I E+W+S**

#### ELECTION OF THE MAYOR

##### *Application*

- 1 This Part of this Schedule applies where there are three or more candidates to be the Mayor.

##### *First preference vote and second preference vote*

- 2 In this Schedule—  
“first preference vote” means a mayoral vote to the extent that it is given so as to indicate a voter’s first preference from among the candidates to be the Mayor;  
“second preference vote” means a mayoral vote to the extent that it is given so as to indicate a voter’s second preference from among the candidates to be the Mayor.

##### *Candidate with overall majority of first preference votes*

- 3 If one of the candidates to be the Mayor receives more than half of all the first preference votes given in the Assembly constituencies that candidate shall be returned as the Mayor.

##### *No candidate with overall majority of first preference votes*

- 4 (1) If none of the candidates to be the Mayor receives more than half of all the first preference votes given in the Assembly constituencies, the following provisions of this paragraph shall have effect.  
(2) The two candidates who received the greatest number of first preference votes given in the Assembly constituencies remain in the contest.  
(3) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (2) above, all of them remain in the contest.  
(4) The other candidates are eliminated from the contest.

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- (5) The number of second preference votes given in the Assembly constituencies for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates shall be ascertained.
- (6) That number shall be added to the number of first preference votes given for that candidate, to give his total number of preference votes.
- (7) The person who is to be returned as the Mayor is that one of the candidates remaining in the contest who has the greatest total number of preference votes.
- (8) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest total number of preference votes, the Greater London returning officer shall decide by lots which of them is to be returned as the Mayor.

## PART II E+W+S

### RETURN OF LONDON MEMBERS

**Modifications etc. (not altering text)**

**C1** Sch. 2 Pt. II applied (14.12.1999) by 1983 c. 2, s. 203B (as inserted (14.12.1999) by 1999 c. 29, s. 17, Sch. 3 paras. 1, 39(5) (with Sch. 12 para. 9(1)); S.I. 1999/3376, art. 2)

#### *Party lists and individual candidates*

- 5 (1) Any registered political party may submit a list of candidates to be London members.
- (2) The list is to be submitted to the Greater London returning officer.
- (3) The list has effect in relation to—
  - (a) the ordinary election; and
  - (b) any vacancies among the London members which occur after that election and before the next ordinary election.
- (4) The list must not include more than twenty five persons (but may include only one).
- (5) The list must not include a person—
  - (a) who is a candidate to be a constituency member but who is not a candidate of that party;
  - (b) who is included on any other list submitted for the election of London members; or
  - (c) who is an individual candidate to be a London member.
- (6) A person may not be an individual candidate to be a London member if—
  - (a) he is included on a list submitted by a registered political party for the election of London members; or
  - (b) he is a candidate of any registered political party to be the Mayor or a constituency member.

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### *Calculation of the London figure*

- 6 (1) For each registered political party by which a list of candidates has been submitted for the election of London members—
- (a) there shall be added together the number of London votes given for the party in the Assembly constituencies; and
  - (b) the number arrived at under paragraph (a) above shall then be divided by the aggregate of one and the number of candidates of the party returned as constituency members.
- (2) For each individual candidate to be a London member there shall be added together the number of London votes given for that candidate in the Assembly constituencies.
- (3) The number arrived at—
- (a) in the case of a registered political party, under sub-paragraph (1)(b) above, or
  - (b) in the case of an individual candidate, under sub-paragraph (2) above,
- is referred to in this Schedule as “the London figure” for that party or individual candidate.
- (4) If a person who is a candidate of a registered political party in an Assembly constituency—
- (a) is returned as the Assembly member for the constituency, and
  - (b) is also returned as the Mayor,
- that person counts for the purposes of sub-paragraph (1)(b) above as a candidate of the party returned as a constituency member, notwithstanding that a vacancy arises in the Assembly constituency by virtue of subsection (10) of section 4 of this Act.

### *No seats for party etc not polling prescribed percentage of total vote*

- 7 (1) If the number arrived at under—
- (a) paragraph 6(1)(a) above, in the case of a registered political party, or
  - (b) paragraph 6(2) above, in the case of an individual candidate,
- is not more than 5 per cent of the total number of London votes polled by all the registered political parties and all the individual candidates at the election, none of the seats for London members shall be allocated to that party or individual candidate.
- (2) That party or candidate shall accordingly be left out of account in applying paragraph 8 below.

### *Return of members*

- 8 (1) The first of the seats for London members shall be allocated to the party or individual candidate with the highest London figure.
- (2) The second and subsequent seats for London members shall be allocated to the party or individual candidate with the highest London figure after any recalculation required by sub-paragraph (3) below has been carried out.
- (3) This sub-paragraph requires a recalculation under paragraph 6(1)(b) above in relation to a party—
- (a) for the first application of sub-paragraph (2) above, if the application of sub-paragraph (1) above resulted in the allocation of a seat to the party, or

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- (b) for any subsequent application of sub-paragraph (2) above, if the previous application of that sub-paragraph did so;  
and a recalculation shall be carried out after adding one to the aggregate mentioned in paragraph 6(1)(b) above.
- (4) An individual candidate already returned as the Mayor or as an Assembly member shall be disregarded.
- (5) Seats for London members which are allocated to a party shall be filled by the persons on the party's list in the order in which they appear on the list.
- (6) Once a party's list has been exhausted (by the return of persons included on it as constituency members or by the previous application of sub-paragraph (1) or (2) above) the party shall be disregarded.
- (7) If (on the application of sub-paragraph (1) above or any application of sub-paragraph (2) above) the highest London figure is the London figure of two or more parties or individual candidates, the sub-paragraph shall apply to each of them.
- (8) However, where sub-paragraph (7) above would mean that more than the full number of seats for London members was allocated, sub-paragraph (1) or (2) above shall not apply until—
- (a) a recalculation has been carried out under paragraph 6(1)(b) above after adding one to the number of votes given for each party with that London figure, and
  - (b) one has been added to the number of votes given for each individual candidate with that London figure.
- (9) If, after that, the highest London figure is still the London figure of two or more parties or individual candidates, the Greater London returning officer shall decide between them by lots.
- (10) For the purposes of sub-paragraph (5) above and section 11 of this Act, a person included on a list submitted by a registered political party who is returned as the Mayor or as an Assembly member shall be treated as ceasing to be on the list (even if his return is void).

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