



Local Government Act 2000

2000 CHAPTER 22

PART IV

ELECTIONS

84 Meaning of “local authority” and “principal council” in Part IV

- (1) In relation to England—
 - “local authority” means a principal council or a parish council,
 - “principal council” means a county council, a district council or a London borough council.
- (2) In relation to Wales—
 - “local authority” means a principal council or a community council,
 - “principal council” means a county council or a county borough council.
- (3) This section applies for the purposes of this Part.

85 Options for elections

- (1) For the purposes of this Part the three options for the scheme for the ordinary elections of councillors of a principal council are those set out in this section.
- (2) The first option is for a scheme under which—
 - (a) the term of office of councillors is four years,
 - (b) the elections are held in a given year and every fourth year after it,
 - (c) all the councillors are elected in each year in which the elections are held, and
 - (d) the councillors retire together.
- (3) The second option is for a scheme under which—
 - (a) the term of office of councillors is four years,
 - (b) the elections are held in a given year and every second year after it,

Status: This is the original version (as it was originally enacted).

- (c) one half (or as nearly as may be) of the councillors are elected in each year in which the elections are held, and
 - (d) one half (or as nearly as may be) of the councillors retire in each year in which the elections are held.
- (4) The third option is for a scheme under which—
- (a) the term of office of councillors is four years,
 - (b) the elections are held in a given year and every year after it other than every third year after it,
 - (c) one third (or as nearly as may be) of the councillors are elected in each year in which the elections are held, and
 - (d) one third (or as nearly as may be) of the councillors retire in each year in which the elections are held.

86 Power to specify a scheme for elections

- (1) The Secretary of State may by order make provision to secure that the scheme for the ordinary elections of councillors of any specified council is the scheme under such of the options set out in section 85 as is specified in the order.
- (2) A council is specified if it is—
- (a) a principal council (or one of the principal councils) specified by name in the order, or
 - (b) a principal council falling within any description of principal council specified in the order.
- (3) An order may make provision in relation to a council if the scheme specified in the order is different from the scheme which prevails (whether by virtue of an earlier order under this section or otherwise) for the ordinary elections of its councillors.
- (4) An order may include provision specifying the years in which the ordinary elections are to be held.
- (5) In a case where the specified scheme is that under the second or third option, an order may include provision for identifying which councillors are to retire in a particular year, and such provision may include—
- (a) provision for identifying the electoral divisions or wards affected,
 - (b) provision for identifying the councillors affected within particular electoral divisions or wards.
- (6) Provision under subsection (5) may include—
- (a) provision allowing the Secretary of State to direct councils to propose methods (complying with any guidance he may issue) for identifying electoral divisions, wards or councillors,
 - (b) provision allowing him to give directions as to the methods to be adopted (whether those proposed or otherwise).
- (7) An order may include provision designed to secure the transition from a prevailing scheme to the one specified in the order, and such provision may include—
- (a) provision to secure the retirement of existing councillors at times different from those applying under a prevailing scheme,
 - (b) in a case where the specified scheme is that under the second or third option, provision for the initial election of all the councillors, for the retirement

of some of them before the end of the normal term of four years, and for identifying which of them are so to retire.

87 Power to change years in which elections held

- (1) The Secretary of State may by order make provision which changes the years in which the ordinary elections of councillors of any specified local authority are to be held but which does not change the scheme which prevails (whether by virtue of an order under section 86 or otherwise) for the ordinary elections of those councillors.
- (2) A local authority is specified if it is—
 - (a) a local authority (or one of the local authorities) specified by name in the order, or
 - (b) a local authority falling within any class or description of local authority specified in the order.
- (3) An order may include provision to secure the retirement of existing councillors at times different from those at which they would otherwise retire.

88 Separate power to make incidental provisions etc

- (1) If the Secretary of State makes an order under section 86 or 87 he may make a separate order containing such incidental, consequential, transitional or supplemental provision as could have been included in the order made under that section.
- (2) This applies whether or not the order under section 86 or 87 itself includes incidental, consequential, transitional or supplemental provision.

89 Consequential electoral changes

- (1) The Local Government Act 1992 is amended as mentioned in subsections (2) and (3).
- (2) In section 14 (changes that may be recommended), after subsection (7) there is inserted—
 - “(8) Notwithstanding section 6(2)(a) of the Local Government Act 1972, the Local Government Commission may recommend under section 13(1) above that an electoral division of a non-metropolitan county should return more than one councillor.”
- (3) In section 17 (implementation of recommendations by order), after subsection (6) there is inserted—
 - “(7) An order under this section may provide for an electoral division of a non-metropolitan county to return more than one councillor; and in such a case section 6(2)(a) of the Local Government Act 1972 shall not apply.”
- (4) In section 6(2)(a) of the Local Government Act 1972 (electoral division of non-metropolitan county to return one councillor) after “Act” insert “ and subject to sections 14(8) and 17(7) of the Local Government Act 1992”.