



# Local Government Act 2003

## 2003 CHAPTER 26

### PART 8

#### MISCELLANEOUS AND GENERAL

### CHAPTER 1

#### MISCELLANEOUS

#### *2004 local government elections*

### **103 Power to change date of elections in England**

- (1) The Secretary of State may by order provide that in 2004—
- (a) the ordinary day of election of councillors for—
    - (i) all local government areas in England, or
    - (ii) all local government areas in England, except parishes, and
  - (b) the day on which the poll is to be held at the second ordinary election under the Greater London Authority Act 1999 (c. 29),
- shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) Where the Secretary of State makes an order under subsection (1), he may by order—
- (a) make provision modifying, in relation to elections in England in 2004—
    - (i) section 89(1) or (2) of the Local Government Act 1972 (c. 70) (holding of elections to fill casual vacancies in the office of councillor for a principal area), or
    - (ii) rules made for the purposes of section 89(6) of that Act (which provides for casual vacancies in the office of parish councillor to be filled in accordance with rules under section 36 of the Representation of the People Act 1983 (c. 2));

*Status: Point in time view as at 18/09/2003.*

*Changes to legislation: Local Government Act 2003, Cross Heading: 2004 local government elections is up to date with all changes known to be in force on or before 23 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) make provision disapplying section 16(1) of the Representation of the People Act 1985 (c. 50) (which postpones for 3 weeks the poll at an election of parish councillors where the date of the poll at a European Parliamentary general election and the ordinary day of election for councillors in England and Wales are the same) in relation to elections in England in 2004;
  - (c) make such provision as he thinks fit for the purpose of enabling the annual meeting in 2004 of an authority to which subsection (3) applies to be held after the date of the poll at the European Parliamentary general election.
- (3) This subsection applies to—
- (a) any of the following for which 2004 is not a year of ordinary elections of councillors to the council—
    - (i) a county council in England,
    - (ii) a district council, and
    - (iii) a parish council;
  - (b) an authority established by Part 4 of the Local Government Act 1985 (c. 51) (joint authorities);
  - (c) a police authority established under section 3 of the Police Act 1996 (c. 16);
  - (d) the Metropolitan Police Authority.
- (4) Where the National Assembly for Wales makes an order under section 104, the Secretary of State may by order make in relation to elections in England such consequential provision, including provision excluding or modifying the application of any enactment, as he thinks fit.
- (5) Before making an order under this section, the Secretary of State must consult—
- (a) the Electoral Commission, and
  - (b) such other persons or bodies as he considers appropriate.
- (6) Subsection (5) may be satisfied by consultation before, as well as by consultation after, the commencement of this section.
- (7) In subsection (1)—
- “local government area” has the same meaning as in the Representation of the People Act 1983 (c. 2);
  - “ordinary election” is to be read in accordance with section 2(7) of the Greater London Authority Act 1999 (c. 29).
- (8) In subsection (4) “enactment” includes an enactment comprised in secondary legislation within the meaning of the Interpretation Act 1978 (c. 30).

#### **104 Power to change date of elections in Wales**

- (1) The National Assembly for Wales may by order provide that in 2004 the ordinary day of election of councillors for—
- (a) all local government areas in Wales, or
  - (b) all local government areas in Wales, except communities, or
  - (c) all communities,
- shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) Where the Assembly makes an order under subsection (1), it may by order—

---

*Status: Point in time view as at 18/09/2003.*

*Changes to legislation: Local Government Act 2003, Cross Heading: 2004 local government elections is up to date with all changes known to be in force on or before 23 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (a) make provision modifying, in relation to elections in Wales in 2004—
    - (i) section 89(1) or (2) of the Local Government Act 1972 (c. 70) (holding of elections to fill casual vacancies in the office of councillor for a principal area), or
    - (ii) rules made for the purposes of section 89(6) of that Act (which provides for casual vacancies in the office of community councillor to be filled in accordance with rules under section 36 of the Representation of the People Act 1983);
  - (b) make provision disapplying section 16(1) of the Representation of the People Act 1985 (c. 50) (which postpones for 3 weeks the poll at an election of community councillors where the date of the poll at a European Parliamentary general election and the ordinary day of election for councillors in England and Wales are the same) in relation to elections in Wales in 2004.
- (3) Where the Secretary of State makes an order under section 103, the National Assembly for Wales may by order make in relation to elections in Wales such consequential provision, including provision excluding or modifying the application of any enactment, as it thinks fit.
- (4) Before making an order under this section, the National Assembly for Wales must consult—
- (a) the Electoral Commission, and
  - (b) such other persons or bodies as it considers appropriate.
- (5) Subsection (4) may be satisfied by consultation before, as well as by consultation after, the commencement of this section.
- (6) In subsection (1), “local government area” has the same meaning as in the Representation of the People Act 1983 (c. 2).
- (7) In subsection (3) “enactment” includes an enactment comprised in secondary legislation within the meaning of the Interpretation Act 1978 (c. 30).

**Status:**

Point in time view as at 18/09/2003.

**Changes to legislation:**

Local Government Act 2003, Cross Heading: 2004 local government elections is up to date with all changes known to be in force on or before 23 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.