
STATUTORY INSTRUMENTS

1998 No. 585

REPRESENTATION OF THE PEOPLE

**The Local Elections (Parishes and
Communities) (Amendment) Rules 1998**

<i>Made</i>	- - - -	<i>4th March 1998</i>
<i>Laid before Parliament</i>		<i>16th March 1998</i>
<i>Coming into force</i>	- -	<i>7th April 1998</i>

The Secretary of State in exercise of the powers conferred on him by section 36(2) of the Representation of the People Act 1983(1) hereby makes the following Rules:

1.—(1) These Rules may be cited as the Local Elections (Parishes and Communities) (Amendment) Rules 1998 and shall come into force on 7th April 1998.

(2) These Rules do not extend to Scotland or Northern Ireland.

2. In these Rules “the 1986 Rules” means the Local Elections (Parishes and Communities) Rules 1986(2).

3.—(1) In rule 4 (interpretation) of the 1986 Rules(3)—

(a) before the words “a county or district” there shall be inserted “, in England,”, and

(b) after those words, there shall be inserted “and, in Wales, a county or county borough”.

(2) At the end of that rule, there shall be inserted the following paragraph:

“(2) Any reference in these Rules to a district shall be construed as a reference to a county in the case of a county in which there are no district councils.”.

4. In rules 5 (application of rules in Schedule 2) and 6 (application of modifications in Schedule 3) of the 1986 Rules, for the words “section 36(3)”, in each place where they occur (including the heading to rule 6), there shall be substituted “section 36(3), (3AB) or (3AC)”(4).

(1) 1983 c. 2.

(2) S.I. 1986/2215.

(3) Rule 4 has been amended but the amendment is not relevant to the subject matter of these Rules.

(4) Section 36(3) was substituted by section 17 of the Representation of the People Act 1985 (c. 50) and amended by Schedule 16 to the Local Government (Wales) Act 1994 (c. 19); section 36(3AB) was inserted by Schedule 16 to the 1994 Act and section 36(3AC) was inserted by Schedule 3 to the Local Government and Rating Act 1997 (c. 29).

5. In rule 8(1) (filling of casual vacancies) of the 1986 Rules, for the words “or community is situate” there shall be substituted “is situate or the county or county borough in which the community is situate”.

6.—(1) Schedule 2 (local elections rules) to the 1986 Rules shall be amended as follows.

(2) In rule 17(1)(a) (use of schools) of the rules in that Schedule, after the word “authority” there shall be inserted “, a grant-maintained school”.

(3) In rule 44(1)(b) and (2)(b) (declaration of result) of those rules for the words “district in which the parish or community is situate” there shall be substituted “council of the district in which the parish is situate or the county or county borough in which the community is situate”.

(4) In rules 46 (delivery of documents), 47(1)(a) (orders for production of documents) and 48(1) (retention and public inspection of documents) of those rules, for the words “or community is situate” there shall be substituted “is situate or the county or county borough in which the community is situate”.

(5) In rule 48(2) and (3) for the words “district council” there shall be substituted “council referred to in paragraph (1) above”.

7.—(1) Schedule 3 (modifications of rules where polls are combined under section 36(3), (3AB) or (3AC) of the Representation of the People Act 1983) to the 1986 Rules shall be amended as follows.

(2) In the heading to that Schedule, for the words from “SECTION” to “REPRESENTATION”, there shall be substituted “SECTION 36(3), (3AB) or (3AC) OF THE REPRESENTATION”.

(3) In the notice required to be exhibited under rule 23(5), as substituted by paragraph 4 of Schedule 3, for the word “*district*” there shall be substituted “*principal area*”.

(4) In the modifications made by paragraph 20(a) of Schedule 3, after the word “*district” there shall be inserted “/*county/*county borough”.

8. In the words added by paragraph 22(a) of Schedule 4 (modifications where polls are combined under section 15(2) of the Representation of the People Act 1985(5)) to the 1986 Rules, after the word “district” there shall be inserted “/*county borough”.

Home Office
4th March 1998

George Howarth
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make miscellaneous minor amendments to the Local Elections (Parishes and Communities) Rules 1986.

As respects Wales, rules 3(1), 5, 6(3), (4) and (5), 7 and 8 make amendments to take account of the replacement of districts in Wales with counties and county boroughs. This change was made by the Local Government (Wales) Act 1994; section 17 of that Act had previously had the effect of converting the references to districts in the 1986 Rules. Rules 4 and 7(2) of these Rules make amendments to provide for the combination of polls at county and county borough council elections in Wales and community council elections which is required by section 36(3AB) of the Representation of the People Act 1983, as inserted by Schedule 16 to the 1994 Act.

The amendments made by rules 4 and 7(2) of these Rules also take account of the new requirement which is imposed by section 36(3AC) of the 1983 Act, as inserted by Schedule 3 to the Local Government and Rating Act 1997, to combine the polls at county and parish council elections in counties in England in which there are no district councils. The amendment made by rule 3(2) converts references in the 1986 Rules to districts into counties in such circumstances.

Rule 6(2) of these Rules amends rule 17 in Schedule 2 to the 1986 Rules to add to the list of schools which may be used for the purpose of taking the poll, grant-maintained schools. This brings rule 17 into line with the equivalent rule in the parliamentary election rules, as amended by paragraph 83 of Schedule 19 to the Education Act 1993 (c. 35).