
STATUTORY INSTRUMENTS

2023 No. 1145

The Elections Act 2022 (Commencement No. 9, Transitional and Savings Provisions and Appointed and Specified Days) and Ballot Secrecy Act 2023 (Commencement) Regulations 2023

Part 1

Introduction

Citation and interpretation

1.—(1) These Regulations may be cited as the Elections Act 2022 (Commencement No. 9, Transitional and Savings Provisions and Appointed and Specified Days) and Ballot Secrecy Act 2023 (Commencement) Regulations 2023.

(2) In these Regulations—

“combined authority mayoral election” means an election for the return of a mayor as provided for in an order made under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009(1);

“EA 2022” means the Elections Act 2022;

“ELA 1962” means the Electoral Law Act (Northern Ireland) 1962(2);

“local authority mayoral election” means an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000(3);

“local election” has the same meaning as in section 130(1) of ELA 1962(4);

“local government election” has the same meaning as in section 203(1) of RPA 1983(5);

“relevant rule” means (as the case may be)—

(a) in the case of a parliamentary election or an election to the Northern Ireland Assembly, rule 5 of Schedule 1 to RPA 1983(6);

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- (1) 2009 c. 20. Schedule 5B was inserted by section 2(2) of, and Schedule 1 to, the Cities and Local Government Devolution Act 2016 (c. 1), and was amended by section 2(2) of the Local Government (Disqualification) Act 2022 (c. 17), by section 13(13) and (14) of the Elections Act 2022 (c. 37) and by S.I. 2021/1265. It is amended by paragraph 6 of Schedule 5 to the Elections Act 2022, which is commenced by regulation 3(g) of this instrument.
- (2) 1962 c. 14 (N.I.).
- (3) 2000 c. 22. Section 9H was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011.
- (4) The definition of “local election” in section 130(1) was amended by S.I. 1985/454.
- (5) 1983 c. 2. See section 65 of the Elections Act 2022 for the meaning of “RPA 1983”. The definition of “local government election” in section 203(1) was amended by paragraph 39 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).
- (6) Schedule 1 was amended by sections 1 and 2 of the Elections (Northern Ireland) Act 1985 (c. 2); by sections 13 and 19(5) of, and paragraphs 4 to 7 of Schedule 2 and paragraphs 73 to 86 of Schedule 4 to, the Representation of the People Act 1985 (c. 50); by Part 1 of Schedule 13 to the Local Government Finance Act 1988 (c. 41); by paragraph 83 of Schedule 19 to the Education Act 1993 (c. 35); by paragraph 12(2) of Schedule 2, and paragraph 68(17) of Schedule 16, to the Local Government (Wales) Act 1994 (c. 19); by Schedule 31 to the School Standards and Framework Act 1998 (c. 31); by paragraphs 2 to 6 of Schedule 2 to the Registration of Political Parties Act 1998 (c. 48); by section 13 of, and paragraph 23 of Schedule 1, paragraph 10 of Schedule 6, and Part 1 of Schedule 7 to, the Representation of the People Act 2000 (c. 2); by section 38 of, and paragraph 6(9) of Schedule 21 to, the Political Parties, Elections and Referendums Act 2000 (c. 41); by sections 2, 3(4), 4(3) and 5 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); by paragraph 85 of Schedule 27 to the Civil Partnership

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- (b) in the case of a local election in Northern Ireland, rule 4 of Schedule 5 to ELA 1962(7);
- (c) the corresponding rule in the rules made under—
 - (i) in the case of a combined authority mayoral election, paragraph 12(1)(a) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009;
 - (ii) in the case of a local authority mayoral election, section 9HE(1)(a) of the Local Government Act 2000(8);
 - (iii) in the case of a referendum under Part 1A of the Local Government Act 2000(9), section 9MG(2) or (3) of that Act(10);
 - (iv) in the case of a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992(11), section 52ZQ(1) or (2) of that Act(12);
 - (v) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990(13), paragraph 16(1) of that Schedule; or
 - (vi) in the case of any other local government election, section 36 of RPA 1983(14);
- (d) in the case of a ward election in the City of London, section 6 of the Act of Common Council of 14th July 1960(15).

Act 2004 (c. 33); by sections 19, 21, 22, 24, 30, 31, 37, 38(1) and (2), 41(1) to (7), 45, 49(3), 52(1) to (3), and 70(2) of, and paragraphs 14, 34 to 40, 52, 70, 73 to 75, 77 to 81, 83 to 85, 87 to 93, 95 and 129 to 132 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22); by paragraph 6 of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); by sections 24 and 25(b) of, paragraph 8 of Schedule 6 and Schedule 7 to, the Political Parties and Elections Act 2009 (c. 12); by section 48 of the Constitutional Reform and Governance Act 2010 (c. 25); by paragraph 121 of Schedule 12 to the Postal Services Act 2011 (c. 5); by paragraphs 10 to 13 of the Schedule to the Fixed-term Parliaments Act 2011 (c. 14); by sections 14(2) to (5), 19, 20 and 21(1) and (2) of the Electoral Registration and Administration Act 2013 (c. 6); by paragraph 1 of Schedule 6 to the Recall of MPs Act 2015 (c. 25); by paragraph 6 of Schedule 12 to the Policing and Crime Act 2017 (c. 3); by paragraph 8 of the Schedule to the Dissolution and Calling of Parliament Act 2022 (c. 11); by sections 9(2) to (4), 10 and 11 of, and paragraphs 11 to 33 of Schedule 1, paragraph 4 of Schedule 4 and paragraph 4 of Schedule 10 to, the Elections Act 2022 (c. 37); and by S.I. 1986/1091, 1996/739, 2001/400, 1149, 2002/1873, 2003/1156, 2008/1741, 2010/728, 1158, 2014/236, 1116, 1880, 2015/656, 2018/699. It is prospectively amended by Schedule 2 to the Electoral Administration Act 2006, by paragraph 52(1)(b) and (2) of Schedule 9 to the Crime and Courts Act 2013 (c. 22) and by sections 5(2) to (4), 7(6) of the Elections Act 2022 from a date and time to be appointed. See article 3(1) of, and Schedule 1 to, S.I. 2001/2599, by virtue of which Schedule 1 applies with modifications to elections to the Northern Ireland Assembly.

- (7) Schedule 5 was substituted by S.I. 1985/454, and rule 4 was further amended by S.I. 2010/2977.
- (8) Section 9HE was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20) and amended by S.I. 2013/2597, 2021/1265.
- (9) Part 1A was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 and was amended by section 190(10) of the Health and Social Care Act 2012 (c. 7), by section 20 of the Cities and Local Government Devolution Act 2016 and by S.I. 2013/594, 2597, 2021/1265.
- (10) Section 9MG was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 and was amended by S.I. 2013/2597, 2021/1265.
- (11) 1992 c. 14. Chapter 4ZA was inserted by Schedule 5 to the Localism Act 2011 and was amended by section 3(5) to (7) of the Local Government Finance Act 2012 (c. 17), by section 41 of the Local Audit and Accountability Act 2014 (c. 2) and by S.I. 2013/733, 2021/1265.
- (12) Section 52ZQ was inserted by section 72(1) of, and Schedule 5 to, the Localism Act 2011 and amended by S.I. 2021/1265.
- (13) 1990 c. 8. Schedule 4B was inserted by section 116(2) of, and Schedule 10 to the Localism Act 2011 (c. 20) and was amended by sections 140(1) and 141 of the Housing and Planning Act 2016 (c. 22) and by S.I. 2013/2597, 2018/1232, 2021/1265. It is prospectively amended by section 7 of the Neighbourhood Planning Act 2017 (c. 20) from a date and time to be appointed.
- (14) Section 36 was amended by section 17 of the Representation of the People Act 1985 (c. 50), by section 19 of, and Schedule 17 to, the Local Government Act 1985 (c. 51), by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), by paragraph 68(8) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 17 of Schedule 3 to the Local Government and Rating Act 1997 (c. 29), by paragraph 4 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and by section 13(2) of, and paragraph 2(4) of Schedule 2 to, the Local Government and Elections (Wales) Act 2021 (asc 1), and by S.I. 1991/1730.
- (15) Section 6 of the Act of Common Council made on 14th July 1960 has been amended by section 3 of the Act of Common Council made on 6th November 2008. A copy of these Acts of Common Council can be obtained from the Town Clerk's Department, Guildhall, PO Box 270, London EC2P 2EJ or by emailing electoralservices@cityoflondon.gov.uk.