

SCHEDULE 2

PROVISIONS FOR APPOINTMENT OF PARISH MEMBERS OF THE BOARD

PART I

APPOINTMENT OF FIRST PARISH MEMBERS OF THE BOARD

General

1. In this Schedule—

“a completed nomination form” means a form complying with paragraph 5; and

“the start date” means the date this Order comes into force.

2. The first parish members of the Board shall be appointed in accordance with the election procedures set out in paragraphs 3 to 14.

3.—(1) The groups of parishes numbered 1 (“group 1”) and 2 (“group 2”) in the groups of parishes specified in Part IV of this Schedule shall each appoint one parish member of the Board in accordance with the election procedures set out in paragraphs 4 to 14.

(2) The groups of parishes numbered 3 (“group 3”) and 4 (“group 4”) in the groups of parishes specified in Part IV of this Schedule shall each appoint two parish members of the Board in accordance with the election procedure set out in paragraphs 4 to 14.

Notice of election and nomination of candidates

4.—(1) The Countryside Agency shall, not later than 15 days from the start date, give to each of the parish councils and to the parish meeting specified in groups 1 and 2 written notice of the election by each of those groups of one parish member of the Board.

(2) The Countryside Agency shall, not later than 15 days from the start date, give to each of the parish councils and parish meetings specified in groups 3 and 4 written notice of the election by each of those groups of two parish members of the Board.

(3) The notice of election referred to in sub-paragraph (1) shall—

(a) be accompanied by a form of nomination by the parish council or the parish meeting, as the case may be, for one candidate for election as a parish member of the Board;

(b) state that the completed nomination form shall be delivered to the Countryside Agency not later than 57 days from the start date; and

(c) explain the effect of the provisions of this Part of the Schedule.

(4) The notice of election referred to in sub-paragraph (2) shall—

(a) be accompanied by a form of nomination by the parish council or the parish meeting, as the case may be, for two candidates for election as parish members of the Board;

(b) state that the completed nomination form shall be delivered to the Countryside Agency not later than 57 days from the start date; and

(c) explain the effect of the provisions of this Part of the Schedule.

5. A completed nomination form shall, in respect of the candidate or each candidate, as the case may be—

(a) state the full name of the candidate, placing the surname first;

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 No. 1778

- (b) state the home address in full of the candidate;
- (c) state that the candidate is—
 - (i) a member of a parish council for a parish the whole or any part of which is comprised in the Chilterns Area of Outstanding Natural Beauty, or
 - (ii) the chairman of the parish meeting of a parish, which does not have a separate parish council, the whole or any part of which is comprised in the Chilterns Area of Outstanding Natural Beauty;
- (d) if desired, give a description of the candidate in not more than 300 words in relation to that candidate's appropriateness to be a parish member of the Board;
- (e) be signed—
 - (i) on behalf of a parish council, by the chairman of that parish council or by one of the parish councillors of that council acting on his behalf; or
 - (ii) on behalf of a parish meeting of a parish which does not have a separate parish council, by the chairman of that parish meeting or by one of the local government electors for that parish acting on his behalf; and
- (f) include the consent of the candidate to nomination and that consent shall be signed by the candidate.

Decisions as to validity of nomination papers

6.—(1) Where a completed nomination form is delivered to the Countryside Agency in accordance with paragraph 4(3) or (4), the candidate or each candidate, as the case may be, shall be deemed to stand nominated unless and until—

- (a) the Countryside Agency decide that the completed nomination form is invalid;
- (b) proof is given of the candidate's death; or
- (c) the candidate withdraws.

(2) As soon as practicable after a completed nomination form has been delivered, the Countryside Agency shall examine it and decide whether the candidate, or each candidate, has been validly nominated.

(3) The Countryside Agency are entitled to hold a nomination invalid only on the grounds that the requirements of paragraph 5 have not been complied with.

(4) Where the Countryside Agency decide that a nomination is invalid, they shall endorse and sign on the completed nomination form the fact and the reason for their decision.

(5) The Countryside Agency shall send notice of their decision that a nomination is valid or invalid to the candidate (at his home address as given in the completed nomination form) and to the parish council or parish meeting on whose behalf the completed nomination form was signed.

Notification of persons nominated

7.—(1) Not later than 79 days from the start date the Countryside Agency shall give to each of the parish councils and parish meetings (if any) within each group of parishes specified in Part IV of this Schedule a statement of the persons who have been, and stand, nominated to be elected by that group of parishes.

(2) The statement shall show in alphabetical order the names, addresses and descriptions of the candidates as given in the completed nomination papers.

(3) In the case of a candidate nominated by more than one parish council or parish meeting, the Countryside Agency shall take the particulars required by sub-paragraph (2) as the candidate (or in default the Countryside Agency) may select.

Withdrawal of candidates

8. A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and
- (b) given to the Countryside Agency.

Method of election, and notification where election uncontested

9.—(1) Where in respect of the parishes within group 1 or group 2—

- (a) one candidate remains validly nominated, that person shall be recorded by the Countryside Agency as being elected in respect of that group and the Agency shall forthwith—
 - (i) give written notice thereof to that candidate and each of the parish councils within that group and, where relevant, to the parish meeting in group 2; and
 - (ii) give public notice of the name of the candidate elected;
- (b) more than one candidate remains validly nominated, a poll shall be taken in accordance with paragraphs 10 to 14.

(2) Where in respect of the parishes within group 3 or group 4—

- (a) no more than two candidates remain validly nominated, that candidate, or those candidates, as the case may be, shall be recorded by the Countryside Agency as being elected in respect of that group and the Agency shall forthwith—
 - (i) give written notice thereof to that candidate, or those candidates, as the case may be, and to each of the parish councils and parish meetings within that group; and
 - (ii) give public notice of the name of the candidate, or candidates, elected;
- (b) there are more than two candidates remaining validly nominated, a poll shall be taken in accordance with paragraphs 10 to 14.

Contested elections: the ballot

10.—(1) Where under paragraph 9(1)(b) or paragraph 9(2)(b) a poll is to be taken, the Countryside Agency shall give to each of the parish councils and parish meetings (if any), within the group of parishes in respect of which a poll is to be taken, a ballot paper.

(2) The ballot paper shall—

- (a) be prepared by the Countryside Agency;
- (b) include the names of the candidates as shown in the statement of the persons nominated in accordance with paragraph 7; and
- (c) be given to the parish councils and parish meetings as mentioned in sub-paragraph (1) at the same time as the statement of persons nominated is given in accordance with paragraph 7.

(3) Not later than 42 days from the receipt of the ballot paper, each parish council and parish meeting within that group may record on the ballot paper—

- (a) in respect of a parish council within group 1 or a parish council or parish meeting within group 2, its vote for one candidate;

- (b) in respect of a parish council or a parish meeting within group 3 or group 4, its vote for no more than 2 candidates;
- and shall forthwith deliver the completed ballot paper to the Countryside Agency.

Contested elections: counting of votes, equality of votes and recording the result

11. The Countryside Agency shall as soon as possible count the votes recorded in the ballot papers delivered in accordance with paragraph 10(3).

12. Where after the counting of the votes is completed, an equality of votes is found to exist between candidates and the addition of a vote would entitle any of those candidates to be recorded as being elected, the Countryside Agency shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

13. As soon as the result of the poll has been ascertained, the Countryside Agency shall—

- (a) as respects the parishes specified in group 1 or group 2, record the candidate with the greatest number of votes to be elected in respect of that group; and
- (b) as respects the parishes specified in group 3 or group 4, record the two candidates with the greatest number of votes to be elected in respect of that group.

Contested elections: notification of the result

14. As soon as the Countryside Agency have recorded a candidate as being elected the Agency shall—

- (a) give written notice thereof to that candidate and to each of the parish councils and parish meetings (if any) within the group of parishes in respect of which that election was held; and
- (b) give public notice of the name of the candidate elected.

Retention of election papers

15. The Countryside Agency shall retain all documents relating to an election under this Part for a period of six months from—

- (a) in the case of an uncontested election, the giving of the public notice as mentioned in paragraph 9(1)(a)(ii) or paragraph 9(2)(a)(ii), as the case may be; or
- (b) in the case of a contested election, the giving of the public notice as mentioned in paragraph 14(b).