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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Combined Authorities (Mayoral Elections) (Amendment) Order 2019**

**Amendment of Schedule 3 to the 2017 Order**

**6.**—(1) Schedule 3 to the 2017 Order (Combined Authority Mayoral Elections (Combination of Polls) Rules) is amended as follows.

(2) In rule 6 (nomination of candidates)—

(a) in paragraph (3)—

- (i) in the opening words, omit “Subject to paragraph (7),”;
- (ii) at the end of sub-paragraph (a), insert “and”, and
- (iii) omit sub-paragraph (b) and the “and” which follows it;

(b) for paragraphs (6) to (8) substitute—

“(6) The nomination paper must be accompanied by a form (in these Rules referred to as the “home address form”) which states—

(a) the candidate’s—

- (i) full names,
- (ii) home address in full, and
- (iii) qualifying address or, if the candidate declares they are qualified by more than one of the qualifications mentioned in paragraph (9), qualifying addresses;

(b) the attesting person’s—

- (i) full names, and
- (ii) home address in full.

Provision in paragraph (2) about delivery of the nomination paper applies also to the home address form.

(7) The home address form—

(a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public, and

(b) if it does so, must—

- (i) if that address is in the United Kingdom, state the relevant area;
- (ii) if that address is outside the United Kingdom, state the country within which it is situated.

(8) The home address form must also state, in relation to each qualifying address, which of the qualifications mentioned in paragraph (9) that address relates to.

(9) In this rule, “qualifying address”, in relation to a candidate, means—

- (a) if the candidate declares in their consent to nomination that they are qualified to be elected as mayor by virtue of being registered as a local government elector at a particular address, that address;
  - (b) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of owning or occupying land or other premises in a particular area, a description and the address of that land or those premises;
  - (c) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of their principal or only place of work being in a particular area, the address in full of that place of work;
  - (d) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of residing in a particular area, the address, or addresses, in full at which the candidate has so resided.
- (10) In this rule—
- “attesting person”, in relation to a candidate, means the person who attests the candidate’s consent to nomination in accordance with rule 9(1)(c);
- “relevant area”—
- (a) in relation to a home address which is in England, means—
    - (i) if it is within a district for which there is a district council, that district;
    - (ii) if it is within a county in which there are no districts with councils, that county;
    - (iii) if it is within a London borough, that London borough;
    - (iv) if it is within the City of London (including the Inner and Middle Temples), the City of London;
    - (v) if it is in the Isles of Scilly, the Isles of Scilly;
  - (b) in relation to a home address which is in Wales, means—
    - (i) if it is within a county, that county;
    - (ii) if it is within a county borough, that county borough;
  - (c) in relation to a home address in Scotland, means the local government area in which it is situated;
  - (d) in relation to a home address in Northern Ireland, means the local government district in which it is situated.”.
- (3) In rule 11 (place for delivery of nomination papers and right to attend nomination)—
- (a) in paragraph (5), after “paper”, insert “and associated home address form”;
  - (b) after paragraph (7), insert—

“(8) The combined authority returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.”
- (4) In rule 12 (decisions as to validity of nomination papers)—
- (a) in the heading, after “papers”, insert “and home address forms”;
  - (b) in paragraph (1)—
    - (i) in the opening words, after “nomination”, in the second place it appears, insert “and home address form”, and
    - (ii) for sub-paragraph (b) substitute—

- (b) the combined authority returning officer decides that the candidate’s home address form—
      - (i) does not comply with the requirements of rule 6(6) or (8), or
      - (ii) if the form contains a statement under rule 6(7)(a), does not comply with the signature requirement in that rule or the requirements of rule 6(7)(b), or”;
    - (c) in paragraph (3)—
      - (i) for “nomination paper has” substitute “nomination paper and home address form have”, and
      - (ii) for “it” substitute “them”;
    - (d) in paragraph (6), for “nomination paper”, in the second place it appears, substitute “home address form”.
  - (5) In rule 13 (publication of statement of persons nominated)—
    - (a) in paragraph (2), after “nomination papers”, insert “ and home address forms”;
    - (b) in paragraph (8)—
      - (i) for “nomination”, in the first place it occurs, substitute “home address form”, and
      - (ii) for “nominations” substitute “home address forms”;
    - (c) after paragraph (9), insert—
      - “(10) Where it is practicable to do so before the publication of the statement, the combined authority returning officer must consult any person whose particulars are to be amended or added to under paragraph (9).
      - (11) The combined authority returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (9).
      - (12) Anything done by a combined authority returning officer in pursuance of paragraph (9) must not be questioned in proceedings other than proceedings on an election petition.
      - (13) A combined authority returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (9).”
  - (6) In rule 14 (correction of minor errors)—
    - (a) in paragraph (1), after “paper”, insert “or home address form”;
    - (b) in paragraph (2), after sub-paragraph (b), insert—
      - “(c) errors as to the information mentioned in rule 6(7)(b).”
  - (7) After rule 64, insert—

**“Destruction of home address forms**

- 64A.**—(1) The combined authority returning officer must destroy each candidate’s home address form—
- (a) on the next working day following the 35th day after the officer returns the name of the mayor elected, or
  - (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.
- (2) In this rule, “working day” means a day other than—

- (a) a Saturday or Sunday,
  - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
  - (c) a day appointed for public thanksgiving or mourning.
- (3) For the purposes of paragraph (2), “bank holiday” has the meaning given in rule 4(2).”
- (8) In Part 9 (Appendix of forms)—
- (a) for “Form 1” (nomination paper) substitute the form set out in Part 1 of Schedule 2 to this Order;
  - (b) for “Form 2” (candidate’s consent to nomination) substitute the form set out in Part 2 of that Schedule;
  - (c) for “Form 3” (ballot paper (two candidates)), other than the directions as to printing, substitute the form set out in Part 3 of that Schedule;
  - (d) for “Form 4” (ballot paper (three or more candidates)), other than the directions as to printing, substitute the form set out in Part 4 of that Schedule.