



# Local Government Act 2000

## 2000 CHAPTER 22

### [<sup>F1</sup>PART 1A

#### ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

### CHAPTER 2

#### EXECUTIVE ARRANGEMENTS

#### *[<sup>F1</sup>Elected mayors etc*

#### Textual Amendments

- F1** Pt. 1A inserted (3.12.2011 for specified purposes, 15.1.2012 for the insertion of Pt. 1A Ch. 4 so far as not already in force and ss. 9B, 9C and 9R for specified purposes, 9.3.2012 for the insertion of ss. 9H-9HE in so far as not already in force and s. 9R for specified purposes, 4.5.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 2 para. 1](#); [S.I. 2011/2896](#), art. 2(e); [S.I. 2012/57](#), art. 4(1)(b) (with arts. 6, 7, 9-11); [S.I. 2012/628](#), art. 2(a); [S.I. 2012/1008](#), art. 4(b)

#### **9H Elected mayors etc**

- (1) In this Part “elected mayor”, in relation to a local authority, means an individual elected as mayor of the authority by the local government electors for the authority's area in accordance with the provisions made by or under this Part.
- (2) An elected mayor is to be entitled to the style of “mayor”.
- (3) A reference in any enactment (whenever passed or made) to—
  - (a) a member of a local authority, or
  - (b) a councillor of a local authority,does not include a reference to an elected mayor of the authority.

*Status: Point in time view as at 08/12/2021.*

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- (4) But subsection (3) is subject to—
- (a) regulations made by the Secretary of State under this paragraph which provide that an elected mayor is to be treated as a member or councillor of a local authority for the purposes of an enactment (whenever passed or made), and
  - (b) any other contrary intention that appears in any enactment (whenever passed or made).
- (5) Section 2(2A) of, and paragraph 5C(1) of Schedule 2 to, the Local Government Act 1972 are not to be taken to indicate any contrary intention for the purposes of subsection (4)(b).
- (6) Elections for the return of an elected mayor are to take place on the ordinary day of election in each of the relevant election years.
- (7) The term of office of an elected mayor of a local authority is to be four years.
- (8) This section is subject to regulations under section 9HB or 9HE.

#### **9HA Election as elected mayor and councillor**

- (1) If the person who is returned at an election as the elected mayor of a local authority is also returned at an election held at the same time as a councillor of the authority, a vacancy arises in the office of councillor.
- (2) If the person who is returned at an election (“the mayoral election”) as the elected mayor of a local authority—
  - (a) is a councillor of the authority, and
  - (b) was returned as such a councillor at an election held at an earlier time than the mayoral election,
 a vacancy shall arise in the office of councillor.
- (3) Subject to subsection (4), a person who is the elected mayor of a local authority may not be a candidate in an election for the return of a councillor or councillors of the authority.
- (4) A person who is the elected mayor of a local authority may be a candidate in an election for the return of a councillor or councillors of the authority if the election is held at the same time as an election for the return of the elected mayor of the authority, but subsection (1) applies if the person is a candidate in both such elections and is returned both as the elected mayor and as a councillor.

#### **9HB Time of elections etc**

The Secretary of State may by regulations make provision—

- (a) as to the dates on which and years in which elections for the return of elected mayors may or must take place,
- (b) as to the intervals between elections for the return of elected mayors,
- (c) as to the term of office of elected mayors, and
- (d) as to the filling of vacancies in the office of elected mayor.

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### **9HC Voting at elections of elected mayors**

- (1) Each person entitled to vote as an elector at an election for the return of an elected mayor is to have the following vote or votes—
  - (a) one vote (referred to in this Part as a first preference vote) which may be given for the voter's first preference from among the candidates to be the elected mayor, and
  - (b) if there are three or more candidates to be the elected mayor, one vote (referred to in this Part as a second preference vote) which may be given for the voter's second preference from among those candidates
- (2) The elected mayor is to be returned under the simple majority system, unless there are three or more candidates.
- (3) If there are three or more candidates to be the elected mayor, the elected mayor is to be returned under the supplementary vote system in accordance with Schedule 2.

### **9HD Entitlement to vote**

- (1) The persons entitled to vote as electors at an election for the return of an elected mayor are those who on the day of the poll—
  - (a) would be entitled to vote as electors at an election of councillors for an electoral area which is situated within the area of the local authority concerned, and
  - (b) are registered in the register of local government electors at an address within the authority's area.
- (2) A person is not entitled as an elector to cast more than one first preference vote, or more than one second preference vote, at an election for the return of an elected mayor.

### **9HE Power to make provision about elections**

- (1) The Secretary of State <sup>F2</sup>... may by regulations make provision as to—
  - (a) the conduct of elections for the return of elected mayors, and
  - (b) the questioning of elections for the return of elected mayors and the consequences of irregularities.
- (2) Regulations made under subsection (1)(a) may, in particular, include provision—
  - (a) about the registration of electors,
  - (b) for disregarding alterations in a register of electors,
  - (c) about the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses), and
  - (d) for the combination of polls at elections for the return of elected mayors and other elections.
- (3) Regulations under this section may—
  - (a) apply or incorporate, with or without modifications or exceptions, any provision of, or made under, the Representation of the People Acts or any provision of any other enactment (whenever passed or made) relating to parliamentary elections or local government elections,
  - (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to

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- be used both for the original purpose and in relation to elections for the return of elected mayors, and
- (c) so far as may be necessary in consequence of any provision made by or under this Part or any regulations under this section, amend any provision of any enactment (whenever passed or made) relating to the registration of parliamentary electors or local government electors.
- (4) Before making any regulations under this section, the Secretary of State <sup>F3</sup>...must consult the Electoral Commission.
- (5) In addition, the power of the Secretary of State <sup>F4</sup>... to make regulations under this section so far as relating to matters mentioned in subsection (2)(c) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State considers that it is expedient to exercise that power in consequence of changes in the value of money.
- (6) No return of an elected mayor at an election is to be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied by or incorporated in regulations under this section.]

#### **Textual Amendments**

- F2** Words in s. 9HE(1) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 13(2) (a)** (with art. 12)
- F3** Words in s. 9HE(4) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 13(2) (a)** (with art. 12)
- F4** Words in s. 9HE(5) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 13(2) (a)** (with art. 12)

#### **Modifications etc. (not altering text)**

- C1** S. 9HE functions made exercisable concurrently (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), arts. 1(2), **2(c)** (with art. 3)

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