



Local Government Act 2000

2000 CHAPTER 22

PART II

[^{F1}LOCAL AUTHORITIES IN WALES: ARRANGEMENTS] WITH RESPECT TO EXECUTIVES ETC.

Elected mayors etc.

44 Power to make provision about elections.

- (1) The Secretary of State [^{F1}or the [^{F2}Minister for the Cabinet Office]] may by regulations make provision as to—
 - (a) the conduct of elections for the return of elected mayors or elected executive members, and
 - (b) the questioning of elections for the return of elected mayors or elected executive members and the consequences of irregularities.
- (2) The provision which may be made under subsection (1)(a) includes, in particular, 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),
 - (d) for the combination of polls at elections for the return of elected mayors and other elections (including elections for the return of elected executive members), and
 - (e) for the combination of polls at elections for the return of elected executive members and other elections (including elections for the return of elected mayors).
- (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

Status: Point in time view as at 09/11/2016. This version of this provision has been superseded.

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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 be used both for the original purpose and in relation to elections for the return of elected mayors or elected executive members, 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.

^{F3}[(3A) Before making any regulations under this section, the Secretary of State [^{F4}or the [^{F5}Minister for the Cabinet Office]] shall consult the Electoral Commission.

(3B) In addition, the power of the Secretary of State [^{F6}or the [^{F7}Minister for the Cabinet Office]] to make regulations under this section so far as relating to matters mentioned in subsection (2)(c) shall be exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State [^{F6}or the [^{F7}Minister for the Cabinet Office]] considers that it is expedient to exercise that power in consequence of changes in the value of money.]

(4) No return of an elected mayor or elected executive member at an election is to be questioned except by an election petition under the provisions of Part III of the ^{M1}Representation of the ^{M2}People Act 1983 as applied by or incorporated in regulations under this section.

Textual Amendments

- F1** Words in s. 44(1) inserted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 8(3)** (with art. 9)
- F2** Words in s. 44(1) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 13(c)** (with art. 12)
- F3** S. 44(3A)(3B) inserted (1.7.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 18(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (with Sch. 2 Pt. II para. 2)
- F4** Words in s. 44(3A) inserted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 8(3)** (with art. 9)
- F5** Words in s. 44(3A) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 13(c)** (with art. 12)
- F6** Words in s. 44(3B) inserted (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), art. 1(2), **Sch. 2 para. 8(3)** (with art. 9)
- F7** Words in s. 44(3B) substituted (9.11.2016) by [The Transfer of Functions \(Elections, Referendums, Third Sector and Information\) Order 2016 \(S.I. 2016/997\)](#), art. 1(2), **Sch. 2 para. 13(c)** (with art. 12)

Modifications etc. (not altering text)

- C1** S. 44 functions made exercisable concurrently (18.8.2010) by [The Lord President of the Council Order 2010 \(S.I. 2010/1837\)](#), arts. 1(2), **3**
- C2** S. 44(4) modified (coming into force in accordance with reg. 1(2) of the amending Regulations) by [Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), regs. 1(2), **5** (as amended (6.4.2014) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) \(Amendment\) Regulations 2014 \(S.I. 2014/370\)](#), regs. 1(2), **4** (with reg. 1(2)))

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Commencement Information

- II** S. 44 wholly in force at 28.7.2001; s. 44 not in force at Royal Assent see s. 108; s. 44 in force at 7.8.2000 in so far as it confers power to make an order or regulations, give directions, or issue guidance in relation to England only by [S.I. 2000/2187](#), [arts. 1\(3\), 2\(b\)](#); s. 44 in force at 1.11.2000 in relation to Wales by [S.I. 2000/2948](#), [art. 2](#); s. 44 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

M1 1983 c. 2.

M2 1983 c. 2.

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