



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 2

ELECTORAL ARRANGEMENTS

CHAPTER 1

POWER OF DISTRICT COUNCILS IN ENGLAND TO CHANGE ELECTORAL SCHEME

Modifications etc. (not altering text)

- C1** Pt. 2 Ch. 1: transfer of functions (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), ss. 60(2)(3)(b), 148(3)(b) (with s. 63(1)(4)); S.I. 2009/3318, art. 4(i)

Introductory

31 Schemes for elections

For the purposes of this Chapter—

- (a) a council is “subject to a scheme for whole-council elections” if all of its councillors are to be elected in each year in which it holds ordinary elections of councillors;
- (b) a council is “subject to a scheme for elections by halves” if one-half (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors;
- (c) a council is “subject to a scheme for elections by thirds” if one-third (or as nearly as may be) of its councillors are to be elected in each year in which it holds ordinary elections of councillors.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

Commencement Information

II S. 31 in force at 30.12.2007, see s. 245(2)

[^{F1}31A Minimum period between resolutions to change electoral schemes

If a council passes a resolution under section 32, 37 or 39 (“the earlier resolution”) it may not pass another resolution under any of those sections before the end of five years beginning with the day on which the earlier resolution is passed.]

Textual Amendments

F1 S. 31A inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 24(6), 240(2)**; S.I. 2012/57, art. 4(1)(d) (with arts. 6, 7, 9-11)

Power of district councils to change to whole-council elections

32 Resolution for whole-council elections

- (1) A district council in England that is subject to a scheme for elections by halves or by thirds may resolve that it is to be subject instead to the scheme for whole-council elections under section 34.
- (2) A resolution under this section is referred to in this Chapter as a “resolution for whole-council elections”.

Commencement Information

I2 S. 32 in force at 30.12.2007, see s. 245(2)

33 Resolution for whole-council elections: requirements

- (1) A council must comply with this section in passing a resolution for whole-council elections.
- (2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.
- (3) The resolution must be passed—
 - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.

[^{F2}(3A) The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.

(3B) In the case of a district council for a district in a county for which there is a county council, the year specified under subsection (3A) may not be a county-council-elections year; and here “county-council-elections year” means 2013 and every fourth year afterwards.]

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

^{F3}(4)

(5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

^{F4}(6)

^{F4}(7)

Textual Amendments

F2 S. 33(3A)(3B) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 24(3)**, 240(2); S.I. 2012/57, art. 4(1)(d) (with arts. 6, 7, 9-11)

F3 S. 33(4) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 24(2)(a), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)

F4 S. 33(6)(7) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 24(2)(a), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)

Commencement Information

I3 S. 33 in force at 30.12.2007, see s. 245(2)

34 Scheme for whole-council elections

(1) On passing a resolution for whole-council elections, a council becomes subject to the following electoral scheme.

(2) Ordinary elections of the councillors of the council are to be held in—

- [^{F5}(a) the year specified under section 33(3A) in the resolution, and
- (b) every fourth year afterwards.]

(3) All councillors are to be elected in each year in which ordinary elections are held.

(4) On the fourth day after ordinary elections are held—

- (a) the councillors elected in those elections are to come into office, and
- (b) the sitting councillors are to retire.

[^{F6}(4A) Ordinary elections of councillors of the council under the previous electoral scheme are to be held in accordance with that scheme in any year that—

- (a) is earlier than the year specified under section 33(3A) in the resolution for whole-council elections, and
- (b) is a year in which, under the previous electoral scheme, ordinary elections of councillors of the council are due to be held.

(4B) In subsection (4A) “the previous electoral scheme” means the scheme for the ordinary elections of councillors of the council that applied to it immediately before it passed the resolution for whole-council elections.]

^{F7}(5)

^{F7}(6)

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

Textual Amendments

- F5** S. 34(2)(a)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 24(4)**, 240(2); S.I. 2012/57, art. 4(1)(d) (with arts. 6, 7, 9-11)
- F6** S. 34(4A)(4B) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 24(5)**, 240(2); S.I. 2012/57, art. 4(1)(d) (with arts. 6, 7, 9-11)
- F7** S. 34(5)(6) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(ee)(i) (with arts. 6, 7, 9-11)

Commencement Information

- I4** S. 34 in force at 30.12.2007, see s. 245(2)

35 Publicity

- (1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.
- (2) The council must produce an explanatory document.
- (3) The council must make the explanatory document—
 - (a) available for public inspection at the council's principal office at all reasonable times, and
 - (b) available to the public by such other means as the council thinks appropriate.
- (4) The council must publicise these matters—
 - (a) that the council has become subject to the scheme for whole-council elections under section 34;
 - (b) when elections will first take place in accordance with the scheme;
 - (c) how the explanatory document is available in accordance with subsection (3);
 - (d) the address of the council's principal office.
- (5) It is for the council to decide how those matters are to be publicised.
- (6) An explanatory document is a document which sets out details of the new electoral scheme as it applies to the council.

Commencement Information

- I5** S. 35 in force at 30.12.2007, see s. 245(2)

36 Notice to ^[F8]Local Government Boundary Commission for England]

- (1) A council must comply with this section as soon as practicable after passing a resolution for whole-council elections.
- (2) The council must give the ^[F9]Local Government Boundary Commission] notice that it has passed the resolution.
- ^[F10](3) In this Chapter, “Local Government Boundary Commission” means the Local Government Boundary Commission for England.]

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

Textual Amendments

- F8** Words in s. 36 heading substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 21(2)**; S.I. 2009/3318, art. 4(ff)
- F9** Words in s. 36(2) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 21(3)**; S.I. 2009/3318, art. 4(ff)
- F10** S. 36(3) inserted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 21(4)**; S.I. 2009/3318, art. 4(ff)

Commencement Information

- I6** S. 36 in force at 30.12.2007, see s. 245(2)

Power of district councils to revert to partial-council elections

37 Resolution for elections by halves

- (1) A non-metropolitan district council in England that—
 - (a) was formerly subject to a scheme for elections by halves, but
 - (b) is for the time being subject to a scheme for whole-council elections,may resolve that it is to revert to being subject to a scheme for elections by halves.
- (2) For the purposes of this section, a council that is subject to a scheme for whole-council elections was “formerly subject” to a scheme for elections by halves if it was subject to such a scheme at any time in the period beginning with—
 - (a) 1 April 1974, or
 - (b) if later, the date on which the council was created.
- (3) A resolution under this section is referred to in this Chapter as a “resolution for elections by halves”.

Commencement Information

- I7** S. 37 in force at 30.12.2007, see s. 245(2)

38 Resolution for elections by halves: requirements

- (1) A council must comply with this section in passing a resolution for elections by halves.
- (2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.
- (3) The resolution must be passed—
 - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.

^{F11}(4)

- (5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

F12(6)

F12(7)

Textual Amendments

F11 S. 38(4) repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 24(2)(b), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)

F12 S. 38(6)(7) repealed (15.1.2012) by Localism Act 2011 (c. 20), ss. 24(2)(b), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)

Commencement Information

I8 S. 38 in force at 30.12.2007, see s. 245(2)

39 Resolution for elections by thirds

- (1) A district council in England that—
 - (a) was formerly subject to a scheme for elections by thirds, but
 - (b) is for the time being subject to a scheme for whole-council elections,
 may resolve that it is to revert to being subject to a scheme for elections by thirds.
- (2) For the purposes of this section, a council that is subject to a scheme for whole-council elections was “formerly subject” to a scheme for elections by thirds if it was subject to such a scheme at any time in the period beginning with—
 - (a) 1 April 1974, or
 - (b) if later, the date on which the council was created.
- (3) A resolution under this section is referred to in this Chapter as a “resolution for elections by thirds”.

Commencement Information

I9 S. 39 in force at 30.12.2007, see s. 245(2)

40 Resolution for elections by thirds: requirements

- (1) A council must comply with this section in passing a resolution for elections by thirds.
- (2) The council must not pass the resolution unless it has taken reasonable steps to consult such persons as it thinks appropriate on the proposed change.
- (3) The resolution must be passed—
 - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.
- F13(4)
- (5) In subsection (3) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

F14(6)

F14(7)

Textual Amendments

F13 S. 40(4) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 24(2)(c), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)

F14 S. 40(6)(7) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 24(2)(c), 240(2), **Sch. 25 Pt. 4**; S.I. 2012/57, art. 4(1)(d)(ee)(i) (with arts. 6, 7, 9-11)

Commencement Information

I10 S. 40 in force at 30.12.2007, see s. 245(2)

41 Publicity for resolution

- (1) A council must comply with this section as soon as practicable after passing a resolution for elections by halves or a resolution for elections by thirds.
- (2) The council must produce an explanatory document.
- (3) The council must make the explanatory document—
 - (a) available for public inspection at the council's principal office at all reasonable times, and
 - (b) available to the public by such other means as the council thinks appropriate.
- (4) The council must publicise these matters—
 - (a) that the council has resolved to become subject to the new electoral scheme;
 - (b) that the [^{F15}Local Government Boundary Commission] is to make provision by order about the operation of, and transition to, the new electoral scheme;
 - (c) how the explanatory document is available in accordance with subsection (3);
 - (d) the address of the council's principal office.
- (5) It is for the council to decide how these matters are to be publicised.
- (6) An explanatory document is a document which sets out details of the new electoral scheme (so far as the details are known at the time the document is prepared).

Textual Amendments

F15 Words in s. 41(4)(b) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 22**; S.I. 2009/3318, art. 4(ff)

Commencement Information

I11 S. 41 in force at 30.12.2007, see s. 245(2)

42 Notice to [^{F16}Local Government Boundary Commission]

- (1) A council must comply with this section as soon as practicable after passing a resolution for elections by halves or a resolution for elections by thirds.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

- (2) The council must give the [^{F17}Local Government Boundary Commission] notice that it has passed the resolution.

Textual Amendments

- F16** Words in s. 42 heading substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 23\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F17** Words in s. 42(2) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 23\(3\)](#); S.I. 2009/3318, art. 4(ff)

Commencement Information

- I12** S. 42 in force at 30.12.2007, see s. 245(2)

43 [^{F18}Local Government Boundary Commission] to consider whether electoral review is necessary

- (1) This section applies if the [^{F19}Local Government Boundary Commission] receive notice under section 42 that a council has passed a resolution for elections by halves or a resolution for elections by thirds.
- (2) As soon as practicable after receiving the notice, [^{F20}the Local Government Boundary Commission] must consider whether to exercise its power under section 56(2) of the [Local Democracy, Economic Development and Construction Act 2009](#)] to conduct a review of the district in question (or any part of it).
- (3) As soon as practicable after deciding whether or not [^{F21}to conduct such a review, the Local Government Boundary Commission] must give the council notice of the decision.

Textual Amendments

- F18** Words in s. 43 heading substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 24\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F19** Words in s. 43(1) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 24\(3\)](#); S.I. 2009/3318, art. 4(ff)
- F20** Words in s. 43(2) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 24\(4\)](#); S.I. 2009/3318, art. 4(ff)
- F21** Words in s. 43(3) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 24\(5\)](#); S.I. 2009/3318, art. 4(ff)

Commencement Information

- I13** S. 43 in force at 30.12.2007, see s. 245(2)

44 [^{F22}Local Government Boundary Commission] to make order for new electoral scheme

- (1) Where the [^{F23}Local Government Boundary Commission] receive notice under section 42 that a council has passed a resolution, they must—
- (a) in the case of a resolution for elections by halves, make an order for elections by halves in relation to the council (see sections 45 and 46);

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

- (b) in the case of a resolution for elections by thirds, make an order for elections by thirds in relation to the council (see sections 47 and 48).

[^{F24}(2) But the Local Government Boundary Commission must not make the order—

- (a) before it has decided whether or not conduct an electoral review (see section 43(2)), and
(b) if it has decided to conduct such a review, before the review is concluded.]

Textual Amendments

- F22** Words in s. 44 heading substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 25(2)**; S.I. 2009/3318, art. 4(ff)
F23 Words in s. 44(1) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 25(3)**; S.I. 2009/3318, art. 4(ff)
F24 S. 44(2) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 25(4)**; S.I. 2009/3318, art. 4(ff)

Commencement Information

- I14** S. 44 in force at 30.12.2007, see s. 245(2)

45 Order for elections by halves: years in which elections are to be held

- (1) An order for elections by halves in relation to a council must secure that the ordinary elections of councillors of the council are held in years determined in accordance with this section.
- (2) Ordinary elections of the councillors of the council are to be held in—
- (a) the first relevant year after the year in which the [^{F25}Local Government Boundary Commission makes] the order, and
- (b) each subsequent year for elections by halves.
- (3) In this section—
- “relevant year” means 2011 and every fourth year afterwards;
- “year for elections by halves” means 2012 and every second year afterwards.

Textual Amendments

- F25** Words in s. 45(2)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 26**; S.I. 2009/3318, art. 4(ff)

Commencement Information

- I15** S. 45 in force at 30.12.2007, see s. 245(2)

46 Orders for elections by halves: councillors to be elected at ordinary elections

- (1) An order for elections by halves in relation to a council must make provision for the election and retirement of councillors in accordance with this section.
- (2) In the case of the ordinary elections held in the year determined in accordance with section 45(2)(a)—

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

- (a) all of the councillors are to be elected;
 - (b) on the fourth day after the elections are held—
 - (i) the councillors elected in those elections are to come into office, and
 - (ii) all of the sitting councillors are to retire.
- (3) In the case of ordinary elections held subsequently—
- (a) one half (or as nearly as may be) of the councillors are to be elected;
 - (b) on the fourth day after the elections are held—
 - (i) the councillors elected in those elections are to come into office, and
 - (ii) the specified sitting councillors are to retire.
- (4) The order must include provision for identifying which councillors are to retire in each year in which ordinary elections are to be held (other than the first), including provision for identifying—
- (a) the wards affected;
 - (b) the councillors affected within particular wards.
- (5) In this section “specified sitting councillors”, in relation to ordinary elections, means the sitting councillors who are to retire in the year of those elections by virtue of the order.

Commencement Information

I16 S. 46 in force at 30.12.2007, see s. 245(2)

47 Order for elections by thirds: years in which elections are to be held

- (1) An order for elections by thirds in relation to a council must secure that the ordinary elections of councillors of the council are held in years determined in accordance with this section.
- (2) Ordinary elections of the councillors of the council are to be held in—
- (a) the first relevant year after the year in which the [^{F26}Local Government Boundary Commission makes] the order, and
 - (b) each subsequent year, unless it is a fallow year.
- (3) In this section—
- “fallow year” means 2013 and every fourth year afterwards;
 - “relevant year” means—
 - (a) in relation to a metropolitan district council: 2014 and every fourth year afterwards;
 - (b) in relation to a non-metropolitan district council: 2011 and every fourth year afterwards.

Textual Amendments

F26 Words in s. 47(2)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 26](#); S.I. 2009/3318, art. 4(ff)

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

Commencement Information

I17 S. 47 in force at 30.12.2007, see s. 245(2)

48 Order for elections by thirds: councillors to be elected at ordinary elections

- (1) An order for elections by thirds in relation to a council must make provision for the election and retirement of councillors in accordance with this section.
- (2) In the case of the ordinary elections held in the year determined in accordance with section 47(2)(a)—
 - (a) all of the councillors are to be elected;
 - (b) on the fourth day after the elections are held—
 - (i) the councillors elected in those elections are to come into office, and
 - (ii) all of the sitting councillors are to retire.
- (3) In the case of ordinary elections held subsequently—
 - (a) one third (or as nearly as may be) of the councillors are to be elected;
 - (b) on the fourth day after the elections are held—
 - (i) the councillors elected in those elections are to come into office, and
 - (ii) the specified sitting councillors are to retire.
- (4) The order must include provision for identifying which councillors are to retire in each year in which ordinary elections are to be held (other than the first), including provision for identifying—
 - (a) the wards affected;
 - (b) the councillors affected within particular wards.
- (5) In this section “specified sitting councillors”, in relation to ordinary elections, means the sitting councillors who are to retire in the year of those elections by virtue of the order.

Commencement Information

I18 S. 48 in force at 30.12.2007, see s. 245(2)

49 Order for elections by halves or elections by thirds: transitional provision

- (1) An order under section 44 (order for elections by halves or for elections by thirds) may include provision about the transition to the council's new electoral scheme.
- (2) Provision made by virtue of this section may, in particular, include provision for the retirement of some councillors after their initial election at times different from those otherwise applying, and for identifying which of them are so to retire.

Commencement Information

I19 S. 49 in force at 30.12.2007, see s. 245(2)

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

50 Power of [^{F27}Local Government Boundary Commission] to make incidental etc provision

The [^{F28}Local Government Boundary Commission] may by order make incidental, consequential, transitional or supplemental provision in connection with provision made by order under section 44 (order for elections by halves or for elections by thirds).

Textual Amendments

- F27** Words in s. 50 heading substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 27\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F28** Words in s. 50 substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 27\(3\)](#); S.I. 2009/3318, art. 4(ff)

Commencement Information

- I20** S. 50 in force at 30.12.2007, see s. 245(2)

51 Position if [^{F29}Local Government Boundary Commission] act under existing powers

In a case in which—

- [^{F30}(a) the Local Government Boundary Commission decides to conduct an electoral review (see section 43(2)), and
- (b) pursuant to that review the Commission makes recommendations for electoral changes,]

nothing in this Chapter requires the Commission to make any provision in relation to matters dealt with, or to be dealt with, by the Commission in an order under [^{F31}section 59 of the Local Democracy, Economic Development and Construction Act 2009] giving effect to those recommendations.

Textual Amendments

- F29** Words in s. 51 heading substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 28\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F30** S. 51(a)(b) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 28\(3\)](#); S.I. 2009/3318, art. 4(ff)
- F31** Words in s. 51 substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(3\)\(b\), Sch. 4 para. 28\(4\)](#); S.I. 2009/3318, art. 4(ff)

Commencement Information

- I21** S. 51 in force at 30.12.2007, see s. 245(2)

52 Publicity for order by [^{F32}Local Government Boundary Commission]

- (1) A council must comply with this section as soon as practicable after the [^{F33}Local Government Boundary Commission has] made an order under section 44 (order for elections by halves or for elections by thirds) in relation to it.
- (2) The council must produce an explanatory document.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

- (3) The council must make the explanatory document—
 - (a) available for public inspection at the council's principal office at all reasonable times, and
 - (b) available to the public by such other means as the council thinks appropriate.
- (4) The council must publicise these matters—
 - (a) that the council has become subject to the new electoral scheme;
 - (b) how the explanatory document is available in accordance with subsection (3);
 - (c) the address of the council's principal office.
- (5) It is for the council to decide how these matters are to be publicised.
- (6) An explanatory document is a document which sets out details of the new electoral scheme.

Textual Amendments

- F32** Words in s. 52 heading substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 29\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F33** Words in s. 52(1) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 29\(3\)](#); S.I. 2009/3318, art. 4(ff)

Commencement Information

- I22** S. 52 in force at 30.12.2007, see s. 245(2)

Power of district councils to alter years of ordinary elections of parish councillors

53 Power of council to alter years of ordinary elections of parish councillors

- (1) This section applies if a council passes a resolution under this Chapter.
- (2) The council may by order make provision that changes the years in which the ordinary elections of parish councillors for any parish situated in the council's area are to be held.
- (3) The power may only be exercised so as to secure that those elections are to be held in years in which ordinary elections of district councillors for a ward in which any part of the parish is situated are to be held.
- (4) The order may include transitional provision—
 - (a) for the retirement of existing parish councillors at times different from those otherwise applying;
 - (b) for the retirement of some parish councillors after their initial election after the order comes into force at times different from those otherwise applying.

Commencement Information

- I23** S. 53 in force at 30.12.2007, see s. 245(2)

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

Amendment of existing provisions about schemes for ordinary elections

54 Amendment of existing provisions about schemes for ordinary elections

- (1) In section 7 of the Local Government Act 1972 (c. 70) (elections of councillors) omit subsections (4) to (6).
- (2) In section 8 of the Local Government Act 1972 (constitution and membership of London borough councils), omit subsections (2) and (3).
- (3) In section 86 of the Local Government Act 2000 (c. 22) (power to specify scheme for elections)—
 - (a) before subsection (1) insert—

“(A1) The Secretary of State may by order make provision to secure that the scheme for the ordinary elections of councillors of any specified council in England is the scheme under the first option set out in section 85.”;
 - (b) in subsection (1) after “specified council” insert “ in Wales ”.
- (4) If—
 - (a) a local authority makes a request under section 7(4) of the Local Government Act 1972, and
 - (b) immediately before subsection (1) above comes into force in relation to that authority, the request has not yet been dealt with,

the repeal of section 7(4) to (6) of the 1972 Act does not apply to the request unless, and until, it is dealt with.
- (5) For the purposes of subsection (4) a request under section 7(4) of the 1972 Act is “dealt with” in either of these cases—
 - (a) if the Secretary of State notifies the local authority that he has decided not to make an order under section 7(6) of the 1972 Act in response to the request;
 - (b) if the Secretary of State makes an order under section 7(6) in response to the request.
- (6) The repeal of section 7(6) or 8(2) of the Local Government Act 1972 or of section 86(1) of the Local Government Act 2000 (so far as it relates to England) does not affect any order made under that provision before its repeal.

Commencement Information

I24 S. 54 in force at 30.12.2007, see s. 245(2)

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

CHAPTER 2

MISCELLANEOUS

Requests for single-member electoral areas in England

^{F34}**55 Requests for single-member electoral areas**

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Textual Amendments

F34 Ss. 55-57 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(hh)

Electoral Commission and Boundary Committee: reviews and recommendations

^{F34}**56 Electoral Commission and Boundary Committee: reviews and recommendations**

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Textual Amendments

F34 Ss. 55-57 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(hh)

^{F34}**57 Procedure in connection with reviews**

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Textual Amendments

F34 Ss. 55-57 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), **Sch. 7 Pt. 3**; S.I. 2009/3318, art. 4(hh)

Electoral areas in England

58 Metropolitan districts: councillors per ward

- (1) Section 6 of the Local Government Act 1972 (c. 70) (term of office and retirement of councillors) is amended as follows.
- (2) For subsection (2)(b) substitute—
 - “(b) every metropolitan district shall be divided into wards, each returning such number of councillors as may be provided as mentioned in subsection (3) below;”.
- (3) For subsection (3) substitute—

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Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

- “(3) The number of councillors referred to in subsection (2)(b) or (c) above may be provided—
- (a) under or by virtue of the provisions of section 7 below;
 - (b) by an order under Part 2 of the Local Government Act 1992 (c. 19);
 - (c) by an order under section 14 of the Local Government and Rating Act 1997 (c. 29);
 - (d) by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007.”

Commencement Information

I25 S. 58 in force at 30.12.2007, see s. 245(2)

59 Change of name of electoral area

- (1) A local authority may, by resolution, change the name of any of the authority's electoral areas.
- (2) A local authority must comply with subsections (3) to (5) in passing a resolution to change the name of an electoral area.
- (3) The local authority must not pass the resolution unless it has taken reasonable steps to consult such persons as it considers appropriate on the proposed name.
- (4) The resolution must be passed—
 - (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.
- (5) If the name of the electoral area is protected, the resolution may not be passed unless the [^{F35}Local Government Boundary Commission] has first agreed to the proposed change.
- (6) As soon as practicable after a resolution is passed, the local authority must give notice of the change of name to all of the following—
 - (a) the [^{F36}Local Government Boundary Commission];
 - (b) the Boundary Commission for England;
 - (c) the Office of National Statistics;
 - (d) the Director General of the Ordnance Survey;
 - (e) if the local authority is a county council, the district council (if any) within whose area the electoral area lies;
 - (f) if the local authority is a district council, the county council (if any) within whose area the electoral area lies.
- (7) The change of name does not take effect until the [^{F37}Local Government Boundary Commission] have been given notice of the change.
- (8) For the purposes of this section the name of an electoral area is “protected” if—
 - (a) the name was given to the electoral area by or in pursuance of an order under section 17 of the Local Government Act 1992 (c. 19)[^{F38}, section 59 of the

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

- Local Democracy, Economic Development and Construction Act 2009] or section 14 of the Local Government and Rating Act 1997 (c. 29), and
- (b) that order was made during the period of five years ending with the day on which a resolution to change the name is to be passed.
- (9) In subsection (4) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.
- (10) In this section—
- “electoral area”, in relation to a local authority, means any area for which councillors are elected to the authority;
- “local authority” means—
- (a) a county council in England;
- (b) a district council in England; or
- (c) a London borough council.

Textual Amendments

- F35** Words in s. 59(5) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 30\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F36** Words in s. 59(6)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 30\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F37** Words in s. 59(7) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 30\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F38** Words in s. 59(8)(a) inserted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 30\(3\)](#); S.I. 2009/3318, art. 4(ff)

Modifications etc. (not altering text)

- C2** S. 59: transfer of functions (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 60(2)(3)(c), 148(3)(b) (with s. 63(4)); S.I. 2009/3318, art. 4(i)

Commencement Information

- I26** S. 59 in force at 30.12.2007, see s. 245(2)

Election dates

60 Power to change date of local elections to date of European Parliamentary general election

- (1) In section 37 of the Representation of the People Act 1983 (c. 2) (ordinary days of local elections in England and Wales), after subsection (2) insert—
- “(2A) Subsection (1) is subject to any order under—
- (a) section 37A (local government areas in England), or
- (b) section 37B (local government areas in Wales).”
- (2) After that section insert—

Status: Point in time view as at 26/05/2015.

Changes to legislation: *There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)*

“37A Power to change date of local elections to date of European Parliamentary general election: England

- (1) The Secretary of State may by order provide that in a year in which a European Parliamentary general election is to be held—
 - (a) the ordinary day of election of councillors for counties in England, districts and London boroughs,
 - (b) the ordinary day of election of councillors for parishes, and
 - (c) as respects Authority elections, the day on which the poll is to be held at an ordinary election,
 shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under all of paragraphs (a) to (c) or under one or more of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
 - (a) the local election day in that year, or
 - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
 - (a) the first Thursday in May, or
 - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
- (5) Before making an order under this section, the Secretary of State must consult—
 - (a) the Electoral Commission, and
 - (b) such other persons as he considers appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Welsh Ministers make an order under section 37B, the Secretary of State may by order make such consequential provision in relation to elections in England as he thinks fit.
- (8) The powers under subsections (6) and (7) include power to make—
 - (a) different provision for different purposes;
 - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
- (9) An order under this section must be made by statutory instrument.
- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

37B Power to change date of local elections to date of European Parliamentary general election: Wales

- (1) The Welsh Ministers may by order provide that, in a year in which a European Parliamentary general election is to be held, the ordinary day of election of councillors for—
 - (a) counties in Wales and county boroughs, and
 - (b) communities,shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
 - (2) An order under subsection (1) may make provision under paragraphs (a) and (b) or under one of those paragraphs.
 - (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
 - (a) the local election day in that year, or
 - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
 - (4) For this purpose “the local election day” in a particular year is—
 - (a) the first Thursday in May, or
 - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
 - (5) Before making an order under this section, the Welsh Ministers must consult—
 - (a) the Electoral Commission, and
 - (b) such other persons as they consider appropriate.
 - (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
 - (7) Where the Secretary of State makes an order under section 37A, the Welsh Ministers may by order make such consequential provision in relation to elections in Wales as they think fit.
 - (8) The powers under subsections (6) and (7) include power to make—
 - (a) different provision for different purposes;
 - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
 - (9) An order under this section must be made by statutory instrument.
 - (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”
- (3) In section 3 of the Greater London Authority Act 1999 (c. 29) (time of ordinary elections), in subsection (3), after “section 37(2)” insert “ or 37A ”.

Status: Point in time view as at 26/05/2015.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2. (See end of Document for details)

Commencement Information

I27 S. 60 in force at 30.12.2007, see s. 245(2)

CHAPTER 3

CONSEQUENTIAL AMENDMENTS

61 Consequential amendments

Schedule 2 (electoral arrangements: consequential amendments) has effect.

Commencement Information

I28 S. 61 in force at 30.12.2007, see s. 245(2)

Status:

Point in time view as at 26/05/2015.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Part 2.