
STATUTORY INSTRUMENTS

2006 No. 3305

The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

Citation, commencement, extent and revocations

1.—(1) These Rules may be cited as The Local Elections (Parishes and Communities) (England and Wales) Rules 2006.

(2) These Rules come into force on 2 January 2007 except for the purposes of an election if the last date for the publication of the notice of election for that election was, or will be, prior to 27 March 2007.

(3) These Rules do not extend to Scotland or Northern Ireland.

(4) Subject to paragraph (2), the Rules specified in Schedule 1 to these Rules are revoked.

Interpretation

2.—(1) In these Rules,

“1983 Act” means the Representation of the People Act 1983;

“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 ^{M1};

“counting observer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001 ^{M2};

“counting officer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“European Parliamentary election” shall have the same meaning as in section 27(1) of the Representation of the People Act 1985 ^{M3};

“local counting area” shall have the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004 ^{M4};

“mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 ^{M5};

“petition organiser” shall have the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 ^{M6};

“polling observer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“principal area” means, in England, a county or district and, in Wales, a county or county borough;

“referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“voting area” shall have the same meaning as in regulation 2 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001.

Status: Point in time view as at 02/01/2007.

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(2) In these Rules, “relevant election or referendum” means one or more of the following—

- (a) a Parliamentary election ^{M7};
- (b) a European Parliamentary election;
- (c) another local government election;
- (d) a mayoral election; and
- (e) a referendum,

the poll at which is taken together with the poll at the parish or community election.

(3) In the case of a referendum, a reference to—

- (a) a “candidate” shall be construed as a reference to a petition organiser;
- (b) an “election agent” or a “counting agent” shall be construed as a reference to a counting observer;
- (c) a “polling agent” shall be construed as a reference to a polling observer; and
- (d) a “returning officer” shall be construed as a reference to a counting officer.

(4) Any reference in these Rules to a district shall be construed as a reference to a county in the case of a county in which there are no district councils.

Marginal Citations

- M1** [S.I. 2004/294](#) as amended by [S.I. 2006/3278](#).
- M2** [S.I. 2001/1298](#), which was amended by [S.I. 2004/226](#).
- M3** [1985 c.50](#). Subsection (1) of section 27 was amended by the [European Communities \(Amendment\) Act 1986 \(c.58\)](#), [section 3\(1\)](#). The definition of the European Assembly was repealed by the Schedule to that Act on the entering into force of the Single European Act (Cmnd. 9758) on 1 July 1987.
- M4** [S.I. 2004/293](#)
- M5** [S.I. 2002/185](#) as amended by [S.I. 2004/225](#).
- M6** [S.I. 2000/2852](#)
- M7** For the definition of “Parliamentary election”, see the [Interpretation Act 1978 \(c.30\)](#), [Schedule 1](#).

Elections Rules

3. In the application of the parliamentary elections rules to the election of councillors of the council of a parish or community where the poll at that election is not taken together with the poll at another election under section 36(3), (3AB) or (3AC) of the 1983 Act ^{M8} or section 15(1) or (2) of the Representation of the People Act 1985 ^{M9}, adaptations, alterations and exceptions shall be made to those rules so that the election shall be conducted in accordance with the Rules set out in Schedule 2 to these Rules.

Marginal Citations

- M8** [Section 36\(3\)](#) was substituted for subsection (3) as originally enacted, by section 17 of the [Representation of the People Act 1985 \(c.50\)](#) and further amended by paragraph 68(8) of Schedule 16 to the [Local Government \(Wales\) Act 1994 \(c.19\)](#) and subsection (3AB) was inserted by paragraph 68(8) of Schedule 16; subsection (3AC) was inserted by paragraph 17 of Schedule 3 to the [Local Government and Rating Act 1997 \(c.19\)](#).
- M9** [1985 c.50](#)

Combination of polls

4. Where the poll at an election of councillors to the council of a parish or community is to be taken together with the poll at a relevant election or referendum,^{M10} the Rules set out in Schedule 2 shall apply to the parish or community election as shown modified in Schedule 3.

Marginal Citations

M10 Provisions as to the combination of polls at elections, including parish or community elections, are contained in section 36 of the [Representation of the People Act 1983 \(c.2\)](#) (“the 1983 Act”), section 15 of the [Representation of the People Act 1985 \(c.50\)](#), the [Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2001 \(S.I. 2001/1298\)](#) and the [Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2002 \(S.I. 2002/185\)](#).

Filling of casual vacancies

5.—(1) A request may be made in accordance with paragraph (2) for an election to fill a casual vacancy in the office of a parish or community councillor.

(2) Any request must be made—

- (a) to the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate,
- (b) by 10 persons who are named on the register in use at the time of the request as local government electors for the electoral area in which the vacancy has occurred, and
- (c) within 14 days (computed in accordance with rule 2 of the elections rules in Schedule 2 to these Rules) after public notice of the vacancy has been given in accordance with section 87(2) of the Local Government Act 1972^{M11}.

(3) An election must be held, if requested in accordance with paragraph (2), if the casual vacancy in the office of the parish or community councillor occurs other than within six months before the day on which that councillor would regularly have retired.

(4) Where a casual vacancy in any such office is required to be filled by election, the election must be held on a day appointed by the returning officer, being a day falling within the period of 60 days (so computed) beginning with the day on which public notice of the vacancy was given.

(5) Subject to paragraph (6) below, where a casual vacancy in any such office is not required to be filled by election, the parish or community council must, as soon as practicable after the expiry of the period of 14 days referred to in paragraph (2)(c), co-opt a person to fill the vacancy.

(6) In the case of a casual vacancy occurring in the office of a parish or community councillor within six months before the day on which that councillor would regularly have retired, paragraph (5) shall have effect with the substitution of the word “may” for “must”; and any vacancy not so filled must be filled at the next ordinary election.

Marginal Citations

M11 [1972 c.70](#)

Modification of the 1983 Act

6. In the application of those provisions of the 1983 Act referred to in section 187(1) of that Act^{M12} to an election of parish or community councillors or an election of the chairman of a parish or community council the following modifications shall have effect—

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- (a) for any reference to the proper officer of the authority there shall be substituted a reference to the returning officer, and
- (b) in section 136(2)(b) of that Act ^{M13} for the words “£2,500” there shall be substituted “£1,500”.

Marginal Citations

M12 Section 187(1) was amended by paragraph 64 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#) and by paragraph 124 of Schedule 1 to the [Electoral Administration Act 2006 \(c.22\)](#).

M13 Section 136(2) was amended by paragraph 48 of Schedule 4 to the [Representation of the People Act 1985 \(c.50\)](#) and by paragraph 19(4) of Schedule 18 to the [Political Parties, Elections and Referendums Act 2000 \(c.41\)](#).

Form of declaration

7. A declaration as to election expenses at an election of parish or community councillors must be in the form in Schedule 4 to these Rules, or a form to the like effect.

Signed by authority of the Secretary of State,

Department for Constitutional Affairs
12th December 2006

Bridget Prentice
Parliamentary Under Secretary of State

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