
STATUTORY INSTRUMENTS

2022 No. 1352

The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2022

Citation, extent and commencement

1.—(1) These Regulations—

- (a) may be cited as the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2022;
- (b) extend to England and Wales; and
- (c) come into force the day after the day on which they are made.

(2) These Regulations do not apply for the purposes of an election for the return of a local authority mayor in respect of which the date of the poll specified in the notice of election is before the ordinary day of election in 2023⁽¹⁾.

Amendment of the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007

2. The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007⁽²⁾ are amended in accordance with these Regulations.

Amendment of Schedule 1

3.—(1) Schedule 1 (the mayoral elections rules) is amended as follows.

(2) In rule 16(a) (method of election) before “Parts 4 and 5” insert “Part 4 or, in the case of a mayoral election in Wales,”.

(3) In rule 46(1)(b) (attendance at the count) at the beginning insert “in the case of a mayoral election in Wales,”.

(4) In rule 47 (the first count)—

(a) after paragraph (2) insert—

“(2A) The returning officer at a mayoral election in England shall then count the votes given on them.”;

(b) in paragraph (3) after “officer” insert “at a mayoral election in Wales”.

(5) In rule 48 (rejected ballot papers) after paragraph (6) insert—

“(7) This rule applies to a mayoral election in England as if—

- (a) in paragraph (1)(b) “first preference” were omitted;
- (b) in paragraph (1)(d) “as to the first preference vote” were omitted;
- (c) in paragraph (2) sub-paragraph (i) were omitted;

⁽¹⁾ See section 37 of the Representation of the People Act 1983 (c. 2) for the meaning of “ordinary day of election”.

⁽²⁾ S.I. 2007/1024. Relevant amendments were made by S.I. 2014/370, S.I. 2018/1310 and 2019/351.

- (d) in paragraph (2)(ii) “at any other election,” were omitted;
 - (e) in paragraph (2) after sub-paragraph (ii) the words “(in either case)” were omitted;
 - (f) paragraph (3) were omitted;
 - (g) in paragraph (5)(b) and (d) “as to the first preference vote” in both places were omitted;
 - (h) paragraph (6) were omitted.”.
- (6) In rule 50 (re-count)—
- (a) in paragraph (1) after “or, as the case may be, the first preference votes” insert “at a mayoral election in Wales”;
 - (b) in paragraph (2) after “or as the case may be, the first preference votes” insert “at a mayoral election in Wales”.
- (7) In rule 51 (procedure at conclusion of first count) after paragraph (6) insert—
- “(7) This rule applies to a mayoral election in England as if—
- (a) in the heading “first” were omitted;
 - (b) for paragraph (1) there were substituted—
 - “(1) As soon as practicable after the conclusion of the count (including any re-count), the returning officer must draw up a statement showing—
 - (a) the total number of ballot papers used,
 - (b) the total number of rejected ballot papers, and
 - (c) the number of votes given for each candidate.”
 - (c) for paragraphs (3) to (6) there were substituted—
 - “(3) Where the total number of votes cast for each candidate is unequal, the person to be returned as the elected mayor is the candidate to whom the majority of the votes is given.
 - (4) Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be returned as the elected mayor, the returning officer must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.
 - (5) The declaration of the person to be returned as the elected mayor shall be made in accordance with rule 54.””
- (8) Part 5 (further provision: three or more candidates) is amended as follows—
- (a) in the heading to Part 5 at the beginning insert “Mayoral elections in Wales —”;
 - (b) in the headings to rules 52 and 53 at the end insert “—mayoral elections in Wales”.
- (9) In rule 54(2) (declaration of result)—
- (a) in sub-paragraph (b) for “first preference votes” substitute “votes or, at a mayoral election in Wales, first preference votes,”;
 - (b) in sub-paragraph (d) at the beginning insert “at a mayoral election in Wales”.
- (10) In rule 55(5) (return or forfeiture of candidate’s deposit) for “first preference” substitute “votes or, at a mayoral election in Wales, first preference votes”.
- (11) In the Appendix of Forms—
- (a) in the list of forms—

- (i) in Form 3 at the end insert “— mayoral elections in Wales”;
- (ii) after Form 3 insert—
 - “Form 3A: Ballot paper — mayoral elections in England”;
- (iii) in Form 4 at the end insert “— mayoral elections in Wales”;
- (iv) in Form 7 at the end insert “— mayoral elections in Wales”;
- (v) after Form 7 insert—
 - “Form 7A – Postal voting statement — mayoral elections in England”;
- (b) in Form 3 in the heading at the end insert “— mayoral elections in Wales”;
- (c) after Form 3 insert Form 3A set out in Schedule 1 to these Regulations;
- (d) in Form 4 in the heading at the end insert “— mayoral elections in Wales”;
- (e) in Form 7 in the heading at the end insert “— mayoral elections in Wales”;
- (f) after Form 7 insert Form 7A set out in Schedule 1 to these Regulations.

Amendment of Schedule 2

- 4. In the table of modifications of the Representation of the People Act 1983—
 - (a) omit the entry for section 46;
 - (b) in the entry for section 199B in the inserted text at the beginning insert “In the case of a mayoral election in Wales”.

Amendment of Schedule 3

- 5.—(1) Schedule 3 (mayoral elections (combination of polls) rules) is amended as follows.
- (2) In rule 16(a) (method of election) before “Parts 4 and 5” insert “Part 4 or, in the case of a mayoral election in Wales,”.
- (3) In rule 28(10) (equipment of polling stations)—
 - (a) for the voting instructions for election of the mayor of London substitute “#Vote for ONLY ONE candidate by putting a cross [X] in the box next to your choice.”;
 - (b) in the voting instructions for a local mayoral election after “LOCAL MAYORAL ELECTION” insert “IN WALES”;
 - (c) after those voting instructions insert—
 - “*LOCAL MAYORAL ELECTION IN ENGLAND
 - *([Specify colour] ballot paper)
 - [Vote for ONLY ONE CANDIDATE by putting a cross [X] in the box next to your choice.]”.
- (4) In rule 47 (the first count)—
 - (a) in paragraph (6) after “officer” insert “at a mayoral election in Wales”;
 - (b) after paragraph (6) insert—
 - “(6A) The returning officer at a mayoral election in England must then count the votes given on the ballot papers.”.
- (5) In rule 48 (rejected ballot papers) after paragraph (6) insert—
 - “(7) This rule applies to a mayoral election in England as if—
 - (a) in paragraph (1)(b) “first preference” were omitted;

- (b) in paragraph (1)(d) “as to the first preference vote” were omitted;
 - (c) in paragraph (2) sub-paragraph (i) were omitted;
 - (d) in paragraph (2)(ii) “at any other election,” were omitted;
 - (e) in paragraph (2) after sub-paragraph (ii) the words “(in each case)” were omitted;
 - (f) paragraph (3) were omitted;
 - (g) in paragraph (5)(b) and (d) “as to the first preference vote” in both places were omitted;
 - (h) paragraph (6) were omitted.”.
- (6) In rule 50 (re-count)—
- (a) in paragraph (1) after “or, as the case may be, the first preference votes” insert “at a mayoral election in Wales”;
 - (b) in paragraph (2) after “or as the case may be, the first preference votes” insert “at a mayoral election in Wales”.
- (7) In rule 51 (procedure at conclusion of first count) after paragraph (6) insert—
- “(7) This rule applies to a mayoral election in England as if—
- (a) in the heading “first” were omitted;
 - (b) for paragraph (1) there were substituted—
 - “(1) As soon as practicable after the conclusion of the count (including any re-count), the returning officer must draw up a statement showing—
 - (a) the total number of ballot papers used,
 - (b) the total number of rejected ballot papers, and
 - (c) the number of votes given for each candidate.”;
 - (c) for paragraphs (3) to (6) there were substituted—
 - “(3) Where the total number of votes cast for each candidate is unequal, the person to be returned as the elected mayor is the candidate to whom the majority of the votes is given.
 - (4) Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be returned as the elected mayor, the returning officer must forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.
 - (5) The declaration of the person to be returned as the elected mayor shall be made in accordance with rule 54.””
- (8) Part 5 (further provision: three or more candidates) is amended as follows—
- (a) in the heading to Part 5 at the beginning insert “Mayoral elections in Wales - ”;
 - (b) in the headings to rules 52 and 53 at the end insert “—mayoral elections in Wales”.
- (9) In rule 54(2) (declaration of result)—
- (a) in sub-paragraph (b) for “first preference votes” substitute “votes or, at a mayoral election in Wales, first preference votes”;
 - (b) in sub-paragraph (d) at the beginning insert “at a mayoral election in Wales”.
- (10) In rule 55(5) (return or forfeiture of candidate’s deposit) for “first preference votes” substitute “votes or, at a mayoral election in Wales, first preference votes”.

- (11) In the Appendix of Forms—
- (a) in the list of forms—
 - (i) in Form 3 at the end insert “— mayoral elections in Wales”;
 - (ii) after Form 3 insert—
 - “Form 3A: Ballot paper – mayoral elections in England”;
 - (iii) in Form 4 at the end insert “— mayoral elections in Wales”;
 - (iv) in Forms 7(1) and 7(2) at the end of each insert “— mayoral elections in Wales”;
 - (v) after Form 7(2) insert—
 - “Form 7A(1): Postal voting statement —mayoral elections in England
 - Form 7A(2): Postal voting statement —mayoral elections in England”;
 - (b) after Form 3 insert Form 3A set out in Schedule 2 to these Regulations;
 - (c) in Form 4 in the heading at the end insert “— mayoral elections in Wales”;
 - (d) in Forms 7(1) and 7(2) in the headings of each insert at the end “—mayoral elections in Wales”;
 - (e) after Form 7(2) insert the Forms 7A(1) and 7A(2) set out in Schedule 2 to these Regulations.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Lee Rowley
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

12th December 2022