Draft Regulations laid before Parliament under section 105(6) of the Local Government Act 2000 and section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

REPRESENTATION OF THE PEOPLE, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND

The Local Authority and Combined Authority Elections (Nomination of Candidates) (Amendment) (England) Regulations 2022

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 9HE and 105(2) of the Local Government Act 2000(**a**) ("the 2000 Act") and section 114(1) of, and paragraph 12(4) of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(**b**) ("the 2009 Act").

The Secretary of State has consulted the Electoral Commission about these Regulations in accordance with section 9HE(4)(**c**) of the 2000 Act and paragraph 12(4) of Schedule 5B to the 2009 Act.

In accordance with section 105(6) of the 2000 Act and section 117(2) of the 2009 Act, a draft of these Regulations has been laid before and approved by resolution of each House of Parliament.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Local Authority and Combined Authority Elections (Nomination of Candidates) (Amendment) (England) Regulations 2022.

(2) These Regulations come into force on the day after the day on which they are made.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply only in respect of a mayoral election taking place in England.

(**a**) 2000 c. 22.
(**b**) 2009 c. 20. Section 117 was amended, and Schedule 5B inserted, by the Cities and Local Government Devolution Act 2016 (c. 1).
(**c**) Section 9HE was inserted by paragraph 1 of Schedule 2(1) to the Localism Act 2011 (c. 20).

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

2.—(1) The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(**a**) are amended as follows.

(2) In Schedule 1 (the Mayoral Elections Rules), in the Appendix of Forms, for Form 2 (candidate's consent to nomination) substitute the form set out in Part 1 of Schedule 1 to these Regulations.

(3) In Schedule 3 (Mayoral Elections (Combination of Polls) Rules), in the Appendix of Forms, for Form 2 (candidate's consent to nomination) substitute the form set out in Part 2 of Schedule 1 to these Regulations.

Amendment of the Combined Authorities (Mayoral Elections) Order 2017

3.—(1) The Combined Authorities (Mayoral Elections) Order 2017(**b**) is amended as follows.

(2) In Part 9 of Schedule 1 (the Combined Authority Mayoral Elections Rules), for Form 2 (candidates consent to nomination) substitute the form set out in Part 1 of Schedule 2 to these Regulations.

(3) In Part 9 of Schedule 3 (Combined Authority Mayoral Election (Combination of Polls) Rules), for Form 2 (candidates consent to nomination) substitute the form set out in Part 2 of Schedule 2 to these Regulations.

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

Name
Parliamentary Under Secretary of State
Date Department for Levelling Up, Housing and Communities

SCHEDULE 1

Regulation 2

The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007: New Forms

PART 1

Rules for conduct of an election of councillors of a principal area where poll is not taken together with poll at another election: candidate's consent to nomination

Form to be substituted for Form 2 (candidate's consent to nomination) in the appendix of forms to Schedule 1 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007—

(**a**) S.I. 2007/1024, amended by section 1(5) of the Local Government (Disqualification) Act 2022 (c. 17) and by S.I. 2017/67. There are other amending instruments but none is relevant.
(**b**) S.I. 2017/67, amended by section 2(4) of the Local Government (Disqualification) Act 2022, S.I. 2018/19 and by S.I. 2019/350. There are other amending instruments but none is relevant.

Form 2

Form of Candidate's consent to Nomination

(for use at local authority mayoral elections)

Front of form

Date of election……..

I *(name in full)*……..

hereby consent to my nomination as a candidate for election as the elected mayor for the *county/district/London borough of ……..

**Delete whichever is inappropriate*

I declare that on the day of my nomination, I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of a Member State of the European Union, who has attained the age of 18 years and that

*(a) I am registered as a local government elector for the area of the *county/district/London borough named above; or

*(b) I have during the whole of the 12 months preceding that day, or those days, occupied as owner or tenant land or other premises in the area named above; or

*(c) my principal or only place of work during those 12 months has been in that *county/district/London borough; or

*(d) I have during the whole of those 12 months resided in the area named above.

**Delete whichever is inappropriate.*

I declare that, to the best of my knowledge and belief, I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, sections 80 or 81A of the Local Government Act 1972, or section 34 of the Localism Act 2011 (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

Date of birth ……
Signature ……..
Date of consent ……

Signed in my presence
Signature of witness……..
Name of witness ……..

(WRITE CLEARLY)

Notes

1. A candidate who is qualified by more than one qualification may complete any of those which may apply.
2. Disqualifications set out under Section 81A of the Local Government Act 1972 only apply to a person who is subject to any relevant notification requirements, or a relevant order, made on or after 28 June 2022.

Back of form

Set out sections 80, 81 and 81A of the Local Government Act 1972 and section 34 of the Localism Act 2011 *(as amended from time to time)*.

PART 2

Rules for conduct of an election of councillors of a principal area where the poll is taken together with the poll at a relevant election or referendum: candidate's consent to nomination

Form to be substituted for Form 2 (candidate's consent to nomination) in the appendix of forms to Schedule 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007—

Form 2

Form of Candidate's consent to Nomination

(for use at local authority mayoral elections)

Front of form

Date of election.....

I *(name in full)*.....

hereby consent to my nomination as a candidate for election as the elected mayor for the *county/district/London borough of .....

**Delete whichever is inappropriate*

I declare that on the day of my nomination, I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of a Member State of the European Union, who has attained the age of 18 years and that

*(a) I am registered as a local government elector for the area of the *county/district/London borough named above; or

*(b) I have during the whole of the 12 months preceding that day, or those days, occupied as owner or tenant land or other premises in the area named above; or

*(c) my principal or only place of work during those 12 months has been in that *county/district/London borough; or

*(d) I have during the whole of those 12 months resided in the area named above.

**Delete whichever is inappropriate.*

I declare that, to the best of my knowledge and belief, I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, sections 80 or 81A of the Local Government Act 1972, or section 34 of the Localism Act 2011 (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

Date of birth .....
Signature .....
Date of consent .....

Signed in my presence
Signature of witness.....
Name of witness .....

(WRITE CLEARLY)

Notes

1. A candidate who is qualified by more than one qualification may complete any of those which may apply.
2. Disqualifications set out under Section 81A of the Local Government Act 1972 only apply to a person who is subject to any relevant notification requirements, or a relevant order, made on or after 28 June 2022.

Back of form

Set out sections 80, 81 and 81A of the Local Government Act 1972 and section 34 of the Localism Act 2011 *(as amended from time to time)*.

SCHEDULE 2

Regulation 3

The Combined Authorities (Mayoral Elections) Order 2017: New Forms

PART 1

Combined Authority Mayoral Elections Rules: candidate's consent to nomination

Form to be substituted for Form 2 (candidate's consent to nomination) in Part 9 of Schedule 1 to the Combined Authorities (Mayoral Elections) Order 2017—

Form 2

Form of Candidate's Consent to Nomination

(for use at combined authority mayoral elections)

Front of form

Date of election .....

I (*name in full*) .....

hereby consent to my nomination as a candidate for election as the mayor for the *(insert name)* Combined Authority

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of a Member State of the European Union, who has attained the age of 18 years and that

*(a) I am registered as a local government elector within the area of the combined authority named above; or

*(b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant land or other premises in the area named above; or

*(c) my principal or only place of work during those 12 months has been in that combined authority area; or

*(d) I have during the whole of those 12 months resided in the area named above.

**Delete whichever is inappropriate*

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, paragraphs 9 or 9A of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011, *[sections 64 to 68 of the Police Reform and Social Responsibility Act 2011] (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

**Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

Date of birth .....

Signature .....

Date of consent .....

Signed in my presence

Signature of witness .....

Name of witness .....

(WRITE CLEARLY)

NOTES

1. A candidate who is qualified by more than one qualification may complete any of those that may apply.
2. Disqualifications set out under Section 9A of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009 only apply to a person who is subject to any relevant notification requirements, or a relevant order, made on or after 28 June 2022.

Back of form

Set out paragraphs 9 and 9A of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011,
*[and sections 64 to 68 of the Police Reform and Social Responsibility Act 2011]
(as amended from time to time).

**Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

PART 2

Combined Authority Mayoral Election (Combination of Polls) Rules: candidate's consent to nomination

Form to be substituted for Form 2 (candidate's consent to nomination) in Part 9 of Schedule 3 to the Combined Authorities (Mayoral Elections) Order 2017—

Form 2

Form of Candidate's Consent to Nomination

(for use at combined authority mayoral elections)

Front of form

Date of election .....

I (*name in full*) .....

hereby consent to my nomination as a candidate for election as the mayor for the *(insert name)* Combined Authority

I declare that on the day of my nomination I am qualified and that, if there is a poll on the day of election, I will be qualified to be so elected by virtue of being on that day or those days a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of a Member State of the European Union, who has attained the age of 18 years and that

*(a) I am registered as a local government elector within the area of the combined authority named above; or

*(b) I have during the whole of the 12 months preceding that day or those days occupied as owner or tenant land or other premises in the area named above; or

*(c) my principal or only place of work during those 12 months has been in that combined authority area; or

*(d) I have during the whole of those 12 months resided in the area named above.

**Delete whichever is inappropriate*

I declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification set out in, or decision made under, paragraphs 9 or 9A of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011, *[sections 64 to 68 of the Police Reform and Social Responsibility Act 2011] (copies of which are printed overleaf), and I do not hold a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, under a local authority, within the meaning of that Part.

**Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

Date of birth .....

Signature .....

Date of consent .....

Signed in my presence

Signature of witness .....

Name of witness .....

(WRITE CLEARLY)

NOTES

1. A candidate who is qualified by more than one qualification may complete any of those that may apply.
2. Disqualifications set out under Section 9A of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009 only apply to a person who is subject to any relevant notification requirements, or a relevant order, made on or after 28 June 2022.

Back of form

Set out paragraphs 9 and 9A of Schedule 5B of the Local Democracy, Economic Development and Construction Act 2009, section 34 of the Localism Act 2011,
*[and sections 64 to 68 of the Police Reform and Social Responsibility Act 2011]
(as amended from time to time).

**Relevant Returning or Counting Officer to insert in case of elections for Mayors exercising Police and Crime Commissioner functions.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024) and the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67). The amendments made by these Regulations apply only in relation to mayoral elections taking place in England. Specifically they amend the requirements for candidate consent to nomination to cover the additional disqualification criteria imposed by the amendments made by the Local Government (Disqualification) Act 2022 (c. 17). These amendments add to the existing disqualification criteria the notification requirements set out in the Sexual Offences Act 2003 (c. 42), a Sexual Risk Order made under section 122A of that Act and the equivalent notification requirements and Orders in effect in Jersey, Guernsey and the Isle of Man.

The amended criteria are at section 81A of the Local Government Act 1972 (c. 70) for candidates for election to the office of elected mayor and paragraph 9A of Schedule 5B (mayors for combined authority areas: further provision about elections) to the Local Democracy, Economic Development and Construction Act 2009 (c. 20) for candidates for election to the office of mayor of a combined authority.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

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