Draft Order laid before Parliament under section 105(6) of the Local Government Act 2000, section 117(2) of the Local Democracy, Economic Development and Construction Act 2009 and section 154(2)(b) of the Police Reform and Social Responsibility Act 2011 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2021 No. 0000

LOCAL GOVERNMENT, ENGLAND

POLICE, ENGLAND AND WALES

The Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021

Made - - - -	***
Coming into force - -	***

The Minister for the Cabinet Office makes this Order in exercise of the powers conferred by sections 9HE(1) and 105(2) of the Local Government Act 2000(**a**) (the "LGA 2000"), paragraph 12(1) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009(**b**) ("the 2009 Act") and sections 58(1) and 154(5) of the Police Reform and Social Responsibility Act 2011(**c**) ("the 2011 Act").

The Minister for the Cabinet Office has consulted the Electoral Commission in accordance with section 9HE(4) of the LGA 2000, paragraph 12(4) of Schedule 5B to the 2009 Act and section 7(2)(hc) of the Political Parties, Elections and Referendums Act 2000(**d**).

In accordance with section 105(6) of the LGA 2000, section 117(2) of the 2009 Act(**e**) and section 154(2)(b) of the 2011 Act, a draft of this Order has been laid before and approved by resolution of each House of Parliament.

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021.

(2) This Order comes into force on the day after the day on which it is made.

(**a**) 2000 c. 22. Section 9HE was inserted by the Localism Act 2011 (c. 20), Schedule 2 paragraph 1. Section 9HE was amended by S.I. 2013/2597 and 2016/997.
(**b**) 2009 c. 20. Schedule 5B was inserted by the Cities and Local Government Devolution Act 2016 (c. 1), Schedule 1, and was amended by S.I. 2016/997.
(**c**) 2011 c. 13. Sections 58(1) and 154(5) were amended by S.I. 2014/268 and 2016/997.
(**d**) 2000 c. 41. Section 7(2)(hc) was inserted by the 2011 Act, Schedule 10, paragraph 11.
(**e**) Section 117(2) was substituted by the Localism Act 2011 (c. 20), section 13(2).

(3) Any amendment made by this Order has the same extent and application as the provision amended, except for the amendments made by article 3 which apply to England only.

Expiry and saving

2.—(1) This Order expires at the end of 28th February 2022.

(2) Despite paragraph (1), this Order continues to have effect after that date in relation to an election where—

(a) the notice of the election is published on or before 28th February 2022, and

(b) the poll for that election takes place on or after that date.

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

3.—(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 rule 8 (subscription of nomination paper)—

(a) in paragraph 1, omit ", and by twenty-eight other electors as assenting";

(b) in paragraph 2, for ", seconding or assenting to" substitute "or seconding".

(3) In Schedule 3 (mayoral election combination of polls rules), in rule 8 (subscription of nomination paper)—

(a) in paragraph 1, omit ", and by twenty-eight other electors as assenting";

(b) in paragraph 2, for ", seconding or assenting to" substitute "or seconding".

Amendment of the Police and Crime Commissioner Elections Order 2012

4. In Schedule 3 to the Police and Crime Commissioner Elections Order 2012(**b**) (rules for the conduct of PCC elections where poll not taken together with poll at another election), in rule 7 (subscription of nomination paper)—

(a) in paragraph (1), for "by 98 other electors as assenting to the nomination" substitute "subscribed as assented to by that number of other electors as calculated in accordance with paragraph (1A)";

(b) after paragraph (1), insert—

"(1A) The number of other electors which must subscribe a nomination paper is—

$$2V - 2$$

where V is the number of voting areas wholly or partly comprised in the police area.".

Amendment of the Combined Authorities (Mayoral Elections) Order 2017

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

(2) In Schedule 1 (the combined authority mayoral elections rules), in rule 8 (subscription of nomination paper)—

(a) in paragraph (1)—

(i) for "paragraphs (2) and (3)" substitute "paragraph (2)";

(**a**) S.I. 2007/1024, to which there are amendments not relevant to this Order.
(**b**) S.I. 2012/1917, to which there are amendments not relevant to this Order.
(**c**) S.I. 2017/67, to which there are amendments not relevant to this Order.

(ii) for "by at least ninety-eight other electors as assenting to the nomination" substitute "subscribed as assented to by that number of other electors as calculated in accordance with paragraph (1A)";

(b) after paragraph (1), insert—

"(1A) The number of other electors which must subscribe a nomination paper is—

$$2C - 2$$

where C is the number of relevant constituent councils.";

(c) in paragraph (2), for "10" substitute "2";

(d) omit paragraph (3).

(3) In Schedule 3 (combined authority mayoral election (combination of polls) rules), in rule 8 (subscription of nomination paper)—

(a) in paragraph (1)—

(i) for "paragraphs (2) and (3)" substitute "paragraph (2)";

(ii) for "by at least ninety-eight other electors as assenting to the nomination" substitute "subscribed as assented to by that number of other electors as calculated in accordance with paragraph (1A)";

(b) after paragraph (1), insert—

"(1A) The number of other electors which must subscribe a nomination paper is—

$$2C - 2$$

where C is the number of relevant constituent councils.";

(c) in paragraph (2), for "10" substitute "2";

(d) omit paragraph (3).

Name
Minister of State for the Constitution and Devolution
Date
Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedules 1 and 3 to the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), Schedule 3 to the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917) and Schedules 1 and 3 to the Combined Authorities (Mayoral Elections) Order 2017 (S.I. 2017/67). It reduces the number of subscribing electors that are required on a candidate nomination form for Police and Crime Commissioner, Combined Authority Mayoral and Local Authority Mayoral elections. This is to reduce the amount of person to person contact that may be needed as part of the nomination process, in order to reduce the risk of exposure to and transmission of the Coronavirus.

Article 2 provides for the expiry of these amendments at the end of 28th February 2022, except in respect of elections which have been commenced (by the issuing of the notice of election) on or before but not concluded on that date.

An impact assessment has not been produced for this instrument as no, or no significant, impact on business, charities or the public or voluntary sector is foreseen.

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£4.90

UK202102081001 02/2021 19585

http://www.legislation.gov.uk/id/ukdsi/2021/9780348219913

ISBN 978-0-34-821991-3

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