EXPLANATORY MEMORANDUM TO

THE LOCAL AUTHORITIES (CHANGES TO YEARS OF ORDINARY ELECTIONS) (ENGLAND) (REVOCATION) ORDER 2026

2026 No. 142

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Baroness Taylor of Stevenage OBE, Parliamentary Under Secretary of State for Housing and Local Government (Lords) at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Adam Walton, Deputy Director for Local Government Reorganisation at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Local Government Reorganisation team at the Ministry of Housing, Communities and Local Government can be contacted with any queries regarding the instrument: LGReorganisation@communities.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The instrument revokes the Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2026 (S.I. 2026/96).

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 The instrument revokes the Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2026 (S.I. 2026/96) ("the postponement Order"). That Order postponed the May 2026 elections to 30 councils in England for one year, to May 2027. It also extended the terms of office of affected councillors and made provision for the filling of vacancies in those councils which would, but for that Order, have been filled at the May 2026 elections. The postponement Order also made consequential amendments to legislation made by the Local Government Boundary

Commission for England (LGBCE) implementing boundary reviews for local government electoral areas. The process and rationale for the decisions to postpone May 2026 elections, together with the wider context of the Government's local government reorganisation programme, are set out in the Explanatory Memorandum to the postponement Order.

5.2 The affected councils are:

- Adur District Council
- Basildon Borough Council
- Blackburn with Darwen Council
- Burnley Borough Council
- Cannock Chase District Council
- Cheltenham Borough Council
- Chorley Borough Council
- City of Lincoln Council
- Crawley Borough Council
- East Sussex County Council
- Exeter City Council
- Harlow District Council
- Hastings Borough Council
- Hyndburn Borough Council
- Ipswich Borough Council
- Norfolk County Council
- Norwich City Council
- Pendle Borough Council
- Peterborough City Council
- Preston City Council
- Redditch Borough Council
- Rugby Borough Council
- Stevenage Borough Council
- Suffolk County Council
- Tamworth Borough Council
- Thurrock Council
- Welwyn Hatfield Borough Council
- West Lancashire Borough Council
- West Sussex County Council, and
- Worthing Borough Council

5.3 The effect of this Order ("the revocation Order") is that elections to the 30 councils will not be postponed and will take place as originally scheduled on 7 May 2026. The terms of affected councillors are no longer extended, and these councillors will now retire as originally scheduled four days after the May 2026 elections. Any vacancies in the council seats which would originally have been filled at the 2026 elections and were, instead, to be filled at a by-election under the postponement Order, will now be filled in the ordinary way at the May 2026 elections i.e. as scheduled elections rather than by-elections.

5.4 The postponement Order made consequential amendments to legislation made by the LGBCE implementing boundary reviews for local government electoral areas, to ensure that the new boundaries came into effect when the postponed elections took place. This was necessary to ensure that any by-elections before May 2027 were held on current boundaries. The postponement Order also made consequential amendments to LGBCE legislation to clarify how the retirement of councillors was to work where

a council is in the process of reverting to elections by thirds following whole council elections implementing a boundary review. These amendments are also revoked so that any by-elections following the May 2026 elections are held on the new boundaries introduced by the LGBCE's orders, and to reinstate the original provision in relation to the order of retirement of councillors where a council is undergoing phased retirement following whole-council elections to revert to electing by thirds.

5.5 The revocation Order is required to prevent the postponement of the May 2026 elections following the Secretary of State's decision on 16 February 2026 to withdraw his decisions to postpone elections to the 30 councils.

What was the previous policy, how is this different?

5.6 In the recent past local government reorganisation has been considered by the government on a case-by-case basis, where invitations to submit proposals have been requested by local councils. The current programme of reorganisation is more ambitious, covering all remaining two-tier areas in England and neighbouring smaller unitary councils.

5.7 The postponement of elections has previously accompanied the process of reorganisation. Between 2019-2022 the previous Government postponed 17 local elections in areas contemplating and undergoing local government reorganisation. In 2025 the current Government postponed elections to nine councils that were undergoing both devolution and reorganisation. Details of the 2025 Order and Orders made under the previous Government are set out in the Explanatory Memorandum to the 2025 Order.[1] The postponement Order was to implement decisions to postpone the May 2026 elections in around half of the councils currently undergoing reorganisation and due to hold elections in May 2026. These decisions were taken in order to release capacity to help deliver reorganisation. This approach was largely consistent with previous postponements with the larger number of affected councils reflecting the scale of the current reorganisation programme.

5.8 The postponement Order and the revocation Order are both made under the negative Parliamentary procedure and come into force as specified in the Order. The revocation Order will come into force on the day after it is laid in Parliament, which is before the postponement Order was due to come into force on 27 February. Until the postponement Order had come into force, the legal position was that the elections scheduled for May 2026 are proceeding.

5.9 Where local government reorganisation is implemented, Structural Changes Orders made under powers in the Local Government and Public Involvement in Health Act 2007 will set out the arrangements for elections to the current and future councils. These will depend on the model of reorganisation that is implemented. Where new councils are established for an area and all existing councils are abolished, the Government's intention is to provide for elections to the new councils in May 2027 ahead of "go live" for the new local structures which, under the published indicative timetable[2], will be on 1 April 2028.

[1] Explanatory Memorandum to the Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2025 2025 (S.I. 2025/137): https://www.legislation.gov.uk/uksi/2025/137/memorandum/contents

[2] https://www.gov.uk/government/publications/local-government-reorganisation-letter-to-areas-invited-to-submitted-final-proposals/summary-of-the-local-government-reorganisation-process

6. Legislative and Legal Context

How has the law changed?

6.1 The Local Government Act 2000 ("the 2000 Act") anticipates that there may be occasions when it will be appropriate for the timing of elections of local authorities in England to be moved. Section 87 of the 2000 Act confers a power on the Secretary of State to change by order the years in which the ordinary elections of councillors of a specified local authority are to be held. An order may include provision to secure the retirement of councillors at different times from those at which they would otherwise have retired. Section 105 of the 2000 Act provides that an order may make incidental, consequential, transitional or supplemental provision which the Secretary of State considers necessary or expedient, which includes the power to apply an enactment with or without modification. Under section 14 of the Interpretation Act 1978 provisions in an Act conferring a power to make secondary legislation imply, unless the contrary intention appears, a power, exercisable in the same manner and subject to the same conditions or limitations, to revoke, amend or re-enact any instrument made under the power. Section 87 of the 2000 Act does not include any contrary intention.

6.2 Article 2 of the revocation Order revokes the postponement Order in its entirety. No transitional or consequential provisions are necessary as the postponement Order will not be in force at the time it is revoked and no anticipatory activity is considered likely to have occurred which would require consequential provision.

6.3 Paragraphs 5.3 and 5.4 of this Explanatory Memorandum set out the key effects of the revocation Order, namely that the May 2026 elections to the 30 affected councils will go ahead, that terms of office of affected councillors are not extended and that casual vacancies in seats due for election in May 2026 will be filled at those elections rather than at a by-election. In addition, the consequential provisions in the postponement Order will not take effect. These relate to the coming into force of boundary changes specified in LGBCE orders and provisions relating to the retirement of councillors where councils are undergoing phased retirement to revert to electing by thirds following whole council elections implementing boundary changes. Provision for subsequent elections to Thurrock Council remains at four years after their first whole council elections; as these elections will take place in May 2026, the next elections will be in 2030 and every four years thereafter.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Explanatory Memorandum to the postponement Order set out the process whereby the Minister invited the 63 councils undergoing reorganisation and due to hold elections in 2026 to submit views on the postponement of their 2026 elections and whether they considered this would release essential capacity to deliver local government reorganisation in their area and so allow reorganisation to progress effectively.

7.2 The Department received over 500 representations by the deadline of 15 January specified in the invitation, from councils holding elections and other councils including district councils that would be responsible for running a county council election but with no election of its own, from individual councillors and groupings

within councils, from parish councils and their representative body the National Association of Local Councils (NALC), from parliamentarians, the Electoral Commission, the Sussex Police and Crime Commissioner and from members of the public. The Explanatory Memorandum to the postponement Order summarised the representations.

7.3 No new consultation process has taken place. The Department has also received further correspondence and Parliamentary Questions following the Secretary of State's initial announcement and the laying of the postponement Order on 5 February. The issue of postponement has also been debated as part of the House of Lords' scrutiny of the English Devolution and Community Empowerment and a debate is scheduled in the House of Commons to debate a petition which reached over 100,000 signatures.

7.4 The postponement Order was made in the light of concerns raised by councils as to the impact of preparing to deliver reorganisation alongside running scheduled elections, and the disruption and poor value for money of holding elections to councils which will shortly be abolished. On 16 February, alongside the Secretary of State's decision to withdraw his decisions to postpone elections to the 30 councils, the Department has announced up to £63m funding to support the reorganisation process and transition to new councils. The Department continues to fund a programme of sector support through the Local Government Association, including support for new councillors and changes of council control.

7.5 The Government acknowledges that a revocation Order has potential to cause some confusion. For this reason, the change has been communicated directly to all affected councils, MPs for their areas and other stakeholders. The revocation Order will come into force on the day after it is laid in Parliament. This is to ensure that there is no period of time when the postponement Order is in force, which could require councils with casual vacancies to plan for and announce by-elections to fill those posts. While the postponement Order may have led to the temporary de-prioritisation of preparations for the May 2026 elections, we understand that many councils have continued to work with suppliers on the contingency basis of elections happening given the that the postponement Order was not yet in force.

7.6 In the case of the May 2026 elections, councils must publish notice of elections no later than 30 March 2026. There will be five weeks between the revocation Order coming into force and the deadline or Returning Officers to call the elections. In his letter to local council leaders on 16 March[3], the Secretary of State said, "My officials will be in touch with those affected councils to understand if any further practical support will be required".

7.7 Parish councils and their representative body NALC objected to the postponement of the May 2026 elections as this would have led to stand-alone elections to parish councils. The revocation Order will remove the risk to parish councils of extra costs where cost-sharing with the principal council would not have taken place and also of any reduction in turn-out.

7.8 More generally, the revocation Order addresses the concerns raised in many of the representations as to the impact that postponement could have on representative democracy and voters' opportunity to provide a fresh mandate to those elected to represents them. Revocation does, however, mean that a number of councillors to be

[3] https://www.gov.uk/government/publications/local-government-reorganisation-update-on-secretary-of-states-decision-regarding-local-elections-of-may-2026

elected in 2026 will serve short terms of office, and some representations set out that it may be difficult to attract candidates. An important part of the role of a Returning Officer is to support candidates, agents and political parties, particularly those who are new or less experienced or who are unfamiliar with the practices and processes of standing for election to be able to participate effectively. The Electoral Commission provides resources to support Returning Officers' in the role[4].

7.9 The decision to postpone a council's election, or not to do so, is effectively an all-or-nothing decision, so other forms of mitigation are not available.

8. Applicable Guidance

8.1 No guidance is necessary to accompany the Order; the councils concerned have been notified of its making.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant, impact is anticipated on businesses.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument does not affect these bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 There should be no, or no significant, impact on the public sector as no actions should have been taken in anticipation of the coming into effect of the Order. Any anticipated benefits in terms of cost-savings from postponing elections will not arise.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There is no plan to monitor or review this legislation as its purpose is limited to revoking legislation which itself would have had a one-off effect on the timing of elections to 30 councils.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 On 16 February, the Secretary of State decided to withdraw his decisions to postpone the May 2026 elections to 30 council in England. The decision to postpone elections was implemented by the Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2026 (S.I. 2026/96). The postponement Order is subject to the negative procedure and was made on 3 February, laid on 5 February and will come into force on 27 February. In order to implement the Secretary of State's withdrawal of his original decisions so that the May 2026 elections will go ahead as originally scheduled, the postponement Order must be revoked.

[4] https://www.electoralcommission.org.uk/guidance-returning-officers-administering-local-government-elections-england/planning-election

11.2 If the postponement Order comes into force, it will have the effect of requiring councils with casual vacancies to call by-elections to fill those vacancies in lieu of the postponed May 2026 elections, until the revocation Order comes into force. This is likely to cause confusion amongst voters, candidates and campaigners and those involved in the running of council elections. For this reason, the Government considered it necessary to bring the revocation Order into force as soon as possible. This minimises the time period within which there are two contradictory Orders in the public domain and avoids any period when the postponement Order has come into force, but the revocation Order has not. This will prevent any wasted expenditure attached to the calling of by-elections which would be voided by the revocation Order and ensure that Returning Officers, who have personal liability for the holding of elections, are not put at risk in relation to the calling of such by-elections. It will also minimise any uncertainty as to the status of the May 2026 elections to the 30 councils.

11.3 For this reason, it was not possible for the Government to comply with the 21 day rule in respect of this Order.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).