STATUTORY INSTRUMENTS

2014 No. 2172

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) (Amendment) Regulations 2014

Made - - - -	*13th August 2014*
Laid before Parliament	*14th August 2014*
Coming into force - -	*5th September 2014*

The Secretary of State for Communities and Local Government makes the following Regulations in exercise of the powers conferred by sections 9HB and 105(2) of the Local Government Act 2000(**a**):

Citation and commencement

1. These Regulations may be cited as the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) (Amendment) Regulations 2014 and come into force on 5th September 2014.

Amendment of the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012

2.—(1) The Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012(**b**) are amended as follows.

(2) In regulation 2(1) after the definition of "the ordinary day of election" insert—

> ""the Petitions Regulations" means the Local Authorities (Referendums) (Petitions) (England) Regulations 2011(**c**);
>
> "petition organiser" has the same meaning as in regulation 3 of the Petitions Regulations;".

(3) In regulation 3—

(a) in paragraph (1) before "regulation 5" insert "paragraph (1A) and";

(b) after paragraph (1) insert —

(**a**) 2000 c. 22. Section 9HB was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c. 20). Schedule 2 to the 2011 Act inserted a new Part 1A, applying to England only, into the 2000 Act. Section 105 was amended by section 100(3) of, and Schedule 3 to, the Local Government Act 2003 (c.26), and by section 191(5) of the Local Government and Public Involvement in Health Act 2007 (c.28), and by paragraph 70 of Schedule 3 to the Localism Act 2011.

(**b**) S.I. 2012/336.

(**c**) S.I. 2011/2914.

"(1A) Where the following conditions are satisfied, the first election shall take place on the first ordinary day of election after the end of the period of 3 months beginning with the date of the referendum under Part 2 of the Petitions Regulations—

(a) the petition organiser made a request in writing, at the time a valid petition was presented to the local authority in accordance with regulation 9 of the Petitions Regulations, for the first election to take place on the first ordinary day of election after the end of the period of 3 months beginning with the date of the referendum under Part 2 of the Petitions Regulations, and

(b) the local authority resolves, prior to the publication of the notice under regulation 4(1) of the Referendum Regulations(**a**), that if the proposals are approved the first election shall take place on the first ordinary day of election after the period of 3 months beginning with the date of the referendum under Part 2 of the Petitions Regulations.";

(c) in paragraph (3) after "paragraph (1)" insert ", (1A)";

(d) in paragraph (4) after "Paragraphs (1)," insert "(1A),";

(e) in paragraph (5) at the end of sub-paragraph (a) omit "and" and insert—

"(aa) paragraph (1A) for the words "the date of the referendum under Part 2 of the Petitions Regulations" the first time they occur substitute the words "the date of the decision of the election court or the High Court"; and".

Transitional provision

3. Where a referendum under Part 2 of the Local Authorities (Referendums) (Petitions) (England) Regulations 2011 held after 31st December 2013 and before the date these Regulations come into force has approved the proposals that were the subject of the referendum, and the first election for the return of an elected mayor in such a local authority has not taken place—

(a) the first election for the return of the elected mayor shall take place on the day in 2015 on which, in accordance with section 37 of the Representation of the People Act 1983(**b**), councillors are elected for local government areas; and

(b) regulation 3(3) of the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) 2012 Regulations(**c**) does not apply to that authority.

Signed by authority of the Secretary of State for Communities and Local Government

Stephen Williams
Parliamentary Under Secretary of State
Department for Communities and Local Government

13th August 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Local Government Act 2000 ("the 2000 Act") provides that a local authority may, or may be required to, hold a referendum on the question of whether it should adopt a mayor and cabinet executive. Where the referendum approves the proposals for such arrangements, a first election for the return of an elected mayor is required.

These Regulations amend the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012 ("the 2012 Regulations") in relation to the date on

(**a**) S.I. 2012/323.
(**b**) 1983 c. 2. Section 37 was amended by section 18 of the Representation of the People Act 1985 (c. 50) and section 17 of, and paragraphs 1, 5(1), (3), (4) and (5) of Schedule 3 to, the Greater London Authority Act 1999 (c.29).
(**c**) S.I. 2012/336.

which the first election for an elected mayor may be held following a petition under section 9MC of the 2000 Act.

These Regulations enable the first election of a mayor to take place on the same date as the first local elections (defined in the 2012 Regulations as "the ordinary day of election"), which occur after the end of a period of three months after a referendum which took place following a petition and which approved the adoption of a mayor and cabinet executive. In such circumstances the first election could take place on the ordinary day of election where, prior to giving notice of the referendum, a local authority so resolves following a request from the petition organiser for the election to take place on this date.

In respect of referendums following a petition which were held on the ordinary day of election in 2014, 22nd May 2014, and approved the adoption of a mayor and cabinet executive, these Regulations also provide a transitional provision to allow for the first election to be held on the ordinary day of election in 2015, 7th May 2015.

An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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