

SCHEDULES

SCHEDULE 1

Section 2

MAYORS FOR COMBINED AUTHORITY AREAS: FURTHER PROVISION ABOUT ELECTIONS

This is the Schedule to be inserted after Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009—

“SCHEDULE 5B

MAYORS FOR COMBINED AUTHORITY AREAS: FURTHER PROVISION ABOUT ELECTIONS

Interpretation

- 1 In this Schedule references to a mayor are references to a mayor for the area of a combined authority.

Timing of elections

- 2 (1) The term of office of a mayor is to be four years.
- (2) The first election for the return of a mayor is to take place on the first day of ordinary elections of councillors of a constituent council to take place after the end of the period of 6 months beginning with the day on which the order under section 107A comes into force.
- (3) Subsequent elections for the return of a mayor are to take place in every fourth year thereafter on the same day as the ordinary election of councillors of that constituent council.
- (4) But this paragraph has effect subject to any provision made under paragraph 3.
- (5) In this paragraph “constituent council” means—
- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority.
- 3 The Secretary of State or the Chancellor of the Duchy of Lancaster may by order make provision—
- (a) as to the dates on which and years in which elections for the return of a mayor may or must take place,
 - (b) as to the intervals between elections for the return of a mayor,
 - (c) as to the term of office of a mayor, and
 - (d) as to the filling of vacancies in the office of a mayor.

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Voting at elections of mayors

- 4 (1) Each person entitled to vote as an elector at an election for the return of a mayor is to have the following vote or votes—
- (a) one vote (a “first preference vote”) which may be given for the voter's first preference from among the candidates to be the mayor, and
 - (b) if there are three or more candidates to be the mayor, one vote (a “second preference vote”) which may be given for the voter's second preference from among those candidates.
- (2) The mayor is to be returned under the simple majority system, unless there are three or more candidates.
- (3) If there are three or more candidates to be the mayor, the mayor is to be returned under the supplementary vote system in accordance with paragraph 5.
- 5 (1) This paragraph applies if there are three or more candidates to be a mayor.
- (2) If one of the candidates to be the mayor receives more than half of all the first preference votes given in the election, that candidate is to be returned as the mayor.
 - (3) If none of the candidates to be the mayor receives more than half of all the first preference votes given in the election, the following provisions are to have effect.
 - (4) The two candidates who received the greatest number of first preference votes given in the election remain in the contest.
 - (5) If, by reason of an equality of first preference votes, three or more candidates are qualified to remain in the contest by virtue of sub-paragraph (4), all of them remain in the contest.
 - (6) The other candidates are eliminated from the contest.
 - (7) The number of second preference votes given in the election for each of the candidates remaining in the contest by voters who did not give their first preference vote to any of those candidates is to be ascertained.
 - (8) That number is to be added to the number of first preference votes given for that candidate, to give that candidate's total number of preference votes.
 - (9) The person who is to be returned as the mayor is that one of the candidates remaining in the contest who has the greatest number of preference votes.
 - (10) If, by reason of an equality of total number of preference votes, two or more candidates remaining in the contest each have the greatest number of preference votes, the returning officer is to decide by lots which of them is to be returned as the mayor.
 - (11) In this paragraph “first preference vote” and “second preference vote” has the meaning given in paragraph 4(1).

Entitlement to vote

- 6 (1) The persons entitled to vote as electors at an election for the return of a mayor for the area of a combined authority are those who on the day of the poll—
- (a) would be entitled to vote as electors at an election of councillors for an electoral area situated wholly or partly within the area of the authority, and

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- (b) are registered in the register of local government electors at an address within the authority's area.
- (2) A person is not entitled as an elector to cast more than one first preference vote, or more than one second preference vote, at an election for the return of a mayor.
- (3) In this paragraph—
- “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;
 - “local government elector” has the meaning given by section 270(1) of the Local Government Act 1972.

Election as mayor and councillor

- 7 (1) If the person who is returned at an election as the mayor for the area of a combined authority is also returned at an election held at the same time as a councillor of a constituent council, a vacancy arises in the office of councillor.
- (2) If the person who is returned at an election (“the mayoral election”) as the mayor for the area of a combined authority—
- (a) is a councillor of a constituent council, and
 - (b) was returned as such a councillor at an election held at an earlier time than the mayoral election,
- a vacancy arises in the office of councillor.
- (3) Subject to sub-paragraph (4), a person who is elected as the mayor for the area of a combined authority may not be a candidate in an election for the return of a councillor or councillors of a constituent council.
- (4) A person who is the mayor for the area of a combined authority may be a candidate in an election for the return of a councillor or councillors of a constituent council if the election is held at the same time as an election for the return of the mayor, but sub-paragraph (1) applies if the person is a candidate in both such elections and is returned as the mayor and as a councillor.
- (5) In this paragraph, “constituent council” means—
- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority.

Qualification and disqualification

- 8 (1) In order to be qualified to be elected and to hold office as the mayor for the area of a combined authority, a person must, on the relevant day, be—
- (a) at least 18 years old, and
 - (b) a qualifying citizen.
- (2) The person must also—
- (a) on and after the relevant day, be entitled (under paragraph 6) to vote in the election for the return of the mayor for that area, or
 - (b) for the twelve months before the relevant day—
 - (i) have occupied, as owner or tenant, land or other premises within an electoral area situated wholly or partly within the area of the authority,

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- (ii) had his or her principal or only place of work in that electoral area, or
 - (iii) resided in that electoral area.
- (3) In this paragraph—
- “electoral area” has the meaning given by section 203(1) of the Representation of the People Act 1983;
 - “qualifying citizen” means a person who is a qualifying Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union, within the meaning given in section 79 of the Local Government Act 1972;
 - “relevant day” means—
 - (a) if the election is preceded by the nomination of candidates, the day on which the person is nominated, and
 - (b) if the election is not preceded by the nomination of candidates, the day of the election.
- 9 (1) A person is disqualified for being elected or holding office as the mayor for the area of a combined authority if the person—
- (a) holds any paid office or employment (other than the office of mayor or deputy mayor) appointments or elections to which are or may be made by or on behalf of the combined authority or any of the constituent councils;
 - (b) is the subject of—
 - (i) a debt relief restrictions order or an interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986, or
 - (ii) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986;
 - (c) has in the five years before being elected, or at any time since being elected, been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence and been sentenced to a period of imprisonment of three months or more without the option of a fine;
 - (d) is disqualified for being elected or for being a member of a constituent council under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).
- (2) For the purposes of sub-paragraph (1)(c), a person is to be treated as having been convicted on—
- (a) the expiry of the ordinary period allowed for making an appeal or application with respect to the conviction, or
 - (b) if an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (3) In this paragraph, “constituent council” means—
- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority.
- 10 Paragraph 9 of Schedule 5C contains further provision about disqualification in the case of mayors who exercise PCC functions.
- 11 The acts of a person elected as a mayor for the area of a combined authority who acts in that office are, despite any disqualification or lack of qualification—
- (a) in respect of being, or being elected as, a mayor, or
 - (b) in respect of being, or being elected as, the mayor for that area,

as valid and effectual as if the person had not been so disqualified or as if the person had been qualified.

Power to make further provision

- 12 (1) The Secretary of State or the Chancellor of the Duchy of Lancaster may by order make provision as to—
- (a) the conduct of elections for the return of mayors, and
 - (b) the questioning of elections for the return of mayors and the consequences of irregularities.
- (2) An order under sub-paragraph (1)(a) may, in particular, include provision—
- (a) about the registration of electors,
 - (b) for disregarding alterations in a register of electors,
 - (c) about the limitation of election expenses (and the creation of criminal offences in connection with the limitation of such expenses), and
 - (d) for the combination of polls at elections for the return of mayors and other elections.
- (3) An order under this paragraph may—
- (a) apply or incorporate (with or without modifications) any provision of, or made under, the Representation of the People Acts or any provision of any other enactment (whenever passed or made) relating to parliamentary elections or local government elections,
 - (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for the return of mayors, and
 - (c) so far as may be necessary in consequence of any provision made by or under this Part or any order under this paragraph, amend any provision of any enactment (whenever passed or made) relating to the registration of parliamentary electors or local government electors.
- (4) Before making an order under this paragraph, the Secretary of State or the Chancellor of the Duchy of Lancaster must consult the Electoral Commission.
- (5) In addition, the power of the Secretary of State or the Chancellor of the Duchy of Lancaster to make an order under this paragraph so far as relating to matters mentioned in sub-paragraph (2)(c) is exercisable only on, and in accordance with, a recommendation of the Electoral Commission, except where the Secretary of State or the Chancellor of the Duchy of Lancaster considers that it is expedient to exercise that power in consequence of changes in the value of money.
- (6) No return of a mayor at an election is to be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied by or incorporated in an order under this paragraph.”

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