
STATUTORY INSTRUMENTS

2008 No. 2113

**The Local Government (Structural Changes)
(Transitional Arrangements) Regulations 2008**

PART 5

ELECTORAL ADMINISTRATION

Casual vacancies

13. Section 89(1) of the Local Government Act 1972⁽¹⁾ (filling of casual vacancies in case of councillors) shall not apply where a casual vacancy in the office of councillor of a predecessor council arises within six months of the reorganisation date.

Returning officers and proper officers

14.—(1) The returning officer and the proper officer at an election to fill a casual vacancy in the office of councillor for the area of a shadow council shall be—

- (a) the officers appointed as such by the shadow council; or
- (b) if the shadow council has not appointed a returning officer or a proper officer at the date that the vacancy arises, the person designated by the section 7 order which established the council as the returning officer in relation to the first election of councillors.

(2) The returning officer and the proper officer at any election of councillors of parishes in the area of a predecessor council that will take place after the reorganisation date but for which proceedings must be taken by a returning officer or proper officer before that date shall be—

- (a) the officers appointed as such by the successor council; or
- (b) if the successor council has not appointed a returning officer or a proper officer before the date on which the notice of election must be published, the returning officer and proper officer appointed by the predecessor council.

(3) In this regulation, “proper officer” means—

- (a) in relation to a casual vacancy in the office of councillor for the area of a shadow council, the proper officer for the purposes of Part 5 of the Local Government Act 1972;
- (b) in relation to an election of councillors of parishes, the proper officer for the purposes of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006⁽²⁾.

(1) 1972 c.70.

(2) S.I. 2006/3305.