

LOCAL GOVERNMENT ACT 2000

EXPLANATORY NOTES

INTRODUCTION

Part IV: Elections

Commentary on sections

203. [Section 106](#) provides that powers under Part IV exercised by the Secretary of State in England will be exercisable by the NAW in Wales. It also provides that the Parliamentary procedures set out in section 105(5) to (7) for orders and regulations do not apply to the NAW, which has its own procedures for scrutinising secondary legislation.

Sections 84 to 89: elections

204. Part IV deals with the times and frequency by which councillors are elected to local authorities. [Section 85](#) defines the three different schemes of elections that may be applied to principal councils (as defined in [section 84](#)). These are:

- all-out elections, with the whole council being elected once every four years,
- elections by halves, with half the councillors being elected every other year,
- elections by thirds, with one third of the councillors being elected each year for three years out of four.

In each case, councillors have a four-year term of office.

205. [Section 86](#) provides for the Secretary of State to be able to specify, by order, that a particular scheme of elections should apply to a particular principal council or description of principal council. The scheme of elections must be one of the three schemes set out in section 85. The order may also specify the year or years in which elections are to be held.
206. Where the specified scheme of elections involves the election of only a proportion of councillors in any one year, the order may include provision for identifying the wards, electoral divisions and councillors that may be affected by such a change. This is necessary because the number of councillors representing a ward in a principal council may not be evenly divisible by the frequency of elections that is being specified for the authority. In such cases, there is a need to be able to identify which seats are to be elected at which elections. Similarly, in the electoral divisions of counties (which only have one member per division), it will be necessary to identify which divisions will have elections in any particular year.
207. [Section 86\(6\)](#) allows the Secretary of State to specify the method to be used for identifying the electoral divisions, wards and councillors in such cases. It also allows the Secretary of State to direct principal councils to propose to him methods for identifying electoral divisions, wards and councillors.

*These notes refer to the Local Government Act 2000
(c.22) which received Royal Assent on 28 July 2000*

208. *Section 87* provides for the Secretary of State to be able to change, by order, the years in which elections take place for any local authority (including parish and community councils). The purpose of this provision is to change the specific timing of electoral cycles without changing the scheme (or frequency) of elections.
209. *Section 88* allows the Secretary of State to make further orders, should the need arise, making supplementary and transitional etc. provisions in relation to earlier orders, under sections 85 or 86.
210. *Section 89* makes minor amendments to the Local Government Acts of 1972 and 1992 to allow the creation of multi-member electoral divisions in non-metropolitan counties in England.