



# Localism Act 2011

## 2011 CHAPTER 20

### PART 1

#### LOCAL GOVERNMENT

### CHAPTER 5

#### GOVERNANCE

## 21 New arrangements with respect to governance of English local authorities

Schedule 2 (new Part 1A of, including Schedule A1 to, the Local Government Act 2000) has effect.

#### Annotations:

#### Commencement Information

- I1** S. 21 in force at 3.12.2011 for specified purposes by [S.I. 2011/2896, art. 2\(e\)](#)
- I2** S. 21 in force at 15.1.2012 for specified purposes by [S.I. 2012/57, art. 4\(1\)\(b\)](#) (with arts. 6, 7, arts. 9-11)
- I3** S. 21 in force at 9.3.2012 for specified purposes by [S.I. 2012/628, art. 2\(a\)](#)
- I4** S. 21 in force at 4.5.2012 in so far as not already in force by [S.I. 2012/1008, art. 4\(a\)](#)

## 22 New local authority governance arrangements: amendments

Schedule 3 (minor and consequential amendments relating to local authority governance in England) has effect.

#### Annotations:

#### Commencement Information

- I5** S. 22 in force at 3.12.2011 for specified purposes by [S.I. 2011/2896, art. 2\(h\)](#)

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- 16** S. 22 in force at 15.1.2012 for specified purposes by S.I. 2012/57, **art. 4(1)(c)** (with arts. 6, 7, arts. 9-11)
- 17** S. 22 in force at 9.3.2012 for specified purposes by S.I. 2012/628, **art. 2(b)**
- 18** S. 22 in force at 4.5.2012 in so far as not already in force by S.I. 2012/1008, **art. 4(a)**

## **23 Changes to local authority governance in England: transitional provision etc**

- (1) The Secretary of State may by order make such transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of sections 21 and 22 and Schedules 2 and 3.
- (2) An order under subsection (1) may, in particular, include any provision—
  - (a) relating to local authorities—
    - (i) ceasing to operate executive arrangements or alternative arrangements under Part 2 of the Local Government Act 2000, and
    - (ii) starting to operate executive arrangements or a committee system under Part 1A of that Act,
  - (b) as to whether, and how, anything done, or in the process of being done, under any provision of Part 2 of that Act is to be deemed to have been done, or be in the process of being done, under any provision of Part 1A of that Act (whether generally or for specified purposes), or
  - (c) modifying the application of any provision of Chapter 4 of Part 1A of that Act in relation to a change in governance arrangements by a local authority within a specified period.
- (3) The reference in subsection (2)(b) to things done includes a reference to things omitted to be done.
- (4) In this section—
  - “change in governance arrangements” has the meaning given by section 90A of the Local Government Act 2000;
  - “local authority” means a county council in England, a district council or a London borough council;
  - “specified” means specified in an order under this section.

## **24 Timetables for changing English district councils' electoral schemes**

- (1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- (2) Omit the following provisions (which provide that councils may pass resolutions to change their electoral schemes only in certain permitted periods)—
  - (a) section 33(4), (6) and (7) (district councils changing to whole-council elections),
  - (b) section 38(4), (6) and (7) (non-metropolitan district councils reverting to elections by halves), and
  - (c) section 40(4), (6) and (7) (district councils reverting to elections by thirds).
- (3) In section 33 (resolution for whole-council elections: requirements) after subsection (3) insert—

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- “(3A) The resolution must specify the year for the first ordinary elections of the council at which all councillors are to be elected.
- (3B) In the case of a district council for a district in a county for which there is a county council, the year specified under subsection (3A) may not be a county-council-elections year; and here “county-council-elections year” means 2013 and every fourth year afterwards.”
- (4) In section 34(2) (years in which whole-council elections to a district council are to be held if scheme under section 34 applies) for paragraphs (a) and (b) substitute—
- “(a) the year specified under section 33(3A) in the resolution, and
  - (b) every fourth year afterwards.”
- (5) In section 34 (scheme for whole-council elections) after subsection (4) insert—
- “(4A) Ordinary elections of councillors of the council under the previous electoral scheme are to be held in accordance with that scheme in any year that—
- (a) is earlier than the year specified under section 33(3A) in the resolution for whole-council elections, and
  - (b) is a year in which, under the previous electoral scheme, ordinary elections of councillors of the council are due to be held.
- (4B) In subsection (4A) “the previous electoral scheme” means the scheme for the ordinary elections of councillors of the council that applied to it immediately before it passed the resolution for whole-council elections.”
- (6) After section 31 insert—

**“31A Minimum period between resolutions to change electoral schemes**

If a council passes a resolution under section 32, 37 or 39 (“the earlier resolution”) it may not pass another resolution under any of those sections before the end of five years beginning with the day on which the earlier resolution is passed.”

- (7) In section 57 of the Local Democracy, Economic Development and Construction Act 2009 (requests for review of single-member electoral areas by councils subject to a scheme for whole-council elections) after subsection (4) (meaning of “subject to a scheme for whole-council elections”) insert—
- “(4A) A district council is also “subject to a scheme for whole-council elections” for those purposes if—
- (a) section 34 of the Local Government and Public Involvement in Health Act 2007 (scheme for whole-council elections) applies to the council, but
  - (b) by virtue of subsection (4A) of that section (temporary continuation of previous electoral scheme), not all the members of the council are to be elected in a year in which ordinary elections of members of the council are to be held.”

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**Annotations:**

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**Commencement Information**

**19** S. 24 in force at 15.1.2012 by S.I. 2012/57, **art. 4(1)(d)** (with arts. 6, 7, arts. 9-11)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)