

SCHEDULE 1

Article 8

Amendments to the Local Government Act 1992

1. For section 13 (Duty to conduct reviews and make recommendations)(1) substitute—

“13 Reviews and Recommendations

(1) The Secretary of State may request the Electoral Commission to recommend in respect of a specified area in England—

- (a) whether a structural change should be made;
- (b) whether a boundary change should be made.

(2) Where the Electoral Commission receive a request in respect of an area under subsection (1), they may direct the Boundary Committee for England—

- (a) to conduct a review of the area, and
- (b) to recommend whether a change of the kind specified in the request should be made.

(3) The Electoral Commission may direct the Boundary Committee for England—

- (a) to conduct a review of a specified area in England, and
- (b) to recommend whether an electoral change should be made in respect of that area.

(4) The Electoral Commission shall from time to time direct the Boundary Committee for England—

- (a) to conduct a review of each principal area in England, and
- (b) to recommend whether an electoral change should be made in respect of that area.

(5) In carrying out a function under this section the Electoral Commission or the Boundary Committee for England shall have regard to—

- (a) the need to reflect the identities and interests of local communities,
- (b) the need to secure effective and convenient local government,
- (c) the need to secure the matters mentioned in paragraphs 1(2)(a) and 3(2)(a) of Schedule 11 to the Local Government Act 1972(2) (equality of representation), and
- (d) any scheme for elections specified by order under section 86 of the Local Government Act 2000(3) (power to specify a scheme for elections).

(6) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.

(7) A direction may, in particular, require the Boundary Committee for England to have regard to—

- (a) guidance given by the Secretary of State as to matters to be taken into account in considering structural or boundary changes;
- (b) guidance given by the Electoral Commission as to matters to be taken into account in considering electoral changes.”

(1) Section 13 was amended by section 19 of the Local Government and Rating Act 1997(c. 29) and by paragraph 9 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000.

(2) c. 70.

(3) c. 22.

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- 2.—(1) Section 14 (changes that may be recommended)(4) is amended as follows.
- (2) In subsection (1), for “Local Government Commission” substitute “Electoral Commission”.
- (3) In paragraph (a)(iii) of subsection (4), omit the words from “and” to “elected”.
- (4) In subsection (8),
- (a) for “Local Government Commission” substitute “the Boundary Committee for England”;
 - and
 - (b) for “section 13(1A)” substitute “section 13(3) or (4)”.
- 3.—(1) Section 15 (procedure on a review)(5) is amended as follows:
- (2) In subsection (1)—
- (a) for “Local Government Commission” substitute “Boundary Committee for England”; and
 - (b) for “it considers” substitute “they consider”.
- (3) In subsection (2)—
- (a) for the words from “deciding” to “Local Government Commission” substitute “being directed to conduct a review of any area under section 13(4) above, the Boundary Committee for England”;
 - (b) for “it considers” substitute “they consider”; and
 - (c) in paragraph (a), for “Commission is” substitute “Committee are”.
- (4) In subsection (3)—
- (a) for “Local Government Commission” substitute “Boundary Committee for England”;
 - (b) in paragraph (a), for “it” substitute “them”;
 - (c) in paragraph (b), for “it considers” substitute “they consider”; and
 - (d) for “Commission” each time it appears substitute “Committee”.
- (5) For subsection (4) substitute—
- “(4) As soon as the Boundary Committee for England are in a position to submit to the Electoral Commission a report on a review, they shall—
- (a) submit a report to the Commission together with their recommendations;
 - (b) take such steps as they consider sufficient to secure that persons who may be interested in the recommendations are informed of them and of the period within which they may be inspected; and
 - (c) deposit copies of the recommendations at the principal office of any principal council or police authority appearing to the Committee to be likely to be affected by them.”
- (6) For subsection (6) substitute—
- “(6) Where the report on a review is submitted to the Electoral Commission under subsection (4) above, the Commission may—
- (a) direct the Boundary Committee for England to reconsider their recommendations with a view to deciding whether to submit a further report under subsection (4) containing different recommendations; or

(4) Relevant amendments to section 14 are made by section 89 of the Local Government Act 2000 (c. 41), by section 19(2) of the Local Government and Rating Act 1997 and by paragraph 10 of Schedule 21 to the Political Parties' Elections and Referendums Act 2000.

(5) Section 15 was amended by the [Police and Magistrates' Courts Act 1994](#) (c. 29, section 39).

- (b) direct the Boundary Committee for England to conduct a further review of all or part of the area to which the report relates and to make revised recommendations as respects that area; and this section shall apply in relation to the further review with such modifications as may be specified in the direction.”
- (7) For subsection (7) substitute—
 - “(7) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.
 - (7A) A direction may, in particular, require the Boundary Committee for England to have regard to—
 - (a) guidance given by the Secretary of State as to matters to be taken into account in considering structural or boundary changes;
 - (b) guidance given by the Electoral Commission as to matters to be taken into account in considering electoral changes.”

4. After section 15 insert—

“Alternative procedure on a review

15A.—(1) Where the Electoral Commission consider it appropriate they may direct the Boundary Committee for England not to follow the procedure on a review set out in section 15 above but—

- (a) to take sufficient steps to secure that persons who may be interested in the matters which are the subject of review are informed of them and of the period within which representations about them may be made;
- (b) to take into consideration any such representations made to them within that period; and
- (c) to inform any person who has made representations of the recommendations which are made to the Electoral Commission.”

5.—(1) Section 16 (consultation with the Audit Commission)(6) is amended as follows:

(2) In subsections (1) and (3) for “Local Government Commission” substitute “Electoral Commission, the Boundary Committee for England or the Secretary of State”.

(3) In subsection (1), omit the words “it with”.

6.—(1) Section 17 (implementation of recommendations)(7) is amended as follows:

(2) For subsection (1) substitute—

“(1) Where the Electoral Commission make recommendations to the Secretary of State for structural or boundary changes in response to a request by him under section 13, he may by order give effect to all or any of the recommendations, with or without modifications.”

(3) After subsection (1) insert—

“(1A) Where the Boundary Committee for England make recommendations to the Electoral Commission for electoral changes, the Commission may by order give effect to all or any of the recommendations, subject to any modifications to those recommendations agreed with that Committee”.

(4) In subsection (2)—

(6) Section 16 was amended by Schedule 3 to the Audit Commission Act 1998 (c. 18).

(7) Section 17 is amended by section 39 of the Police and Magistrates Courts Act 1994, by section 20 of the Local Government and Rating Act 1997 and by section 89(3) of the Local Government Act 2000.

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- (a) for the words “the submission of the report” substitute “the receipt of recommendations or the submission of a report”;
- (b) omit the words from “the Secretary of State” to the end and substitute—
 - “(a) the Secretary of State may request the Electoral Commission to supply him with additional information or advice; and
 - (b) the Electoral Commission may direct the Boundary Committee for England to supply them with additional information or advice”.
- (5) In subsection (3)—
 - (a) insert at the beginning “Subject to subsection (3A) below,”; and
 - (b) for “Local Government Commission” substitute “Electoral Commission or of the Boundary Committee for England”.
- (6) After subsection (3) insert—
 - “(3A) An order made by the Secretary of State under subsection (1) above may not include provision as to the matters mentioned in paragraphs (d), (e) and (ea)(8) of subsection (3) above.
 - (3B) An order made by the Electoral Commission under subsection (1A) above may not include provision as to the matters mentioned in paragraphs (a) to (c), (g) and (h) of subsection (3) above.”
- (7) In subsection (4), for “The power” substitute “A power”.
- (8) In subsection (7)(9), for the words “this section” substitute “subsection (1A) above.”
- 7. In section 18(4) (consequences of structural changes etc), for “Local Government Commission” substitute “Electoral Commission”.
- 8. In section 21(1) (joint authorities), for “Local Government Commission” substitute “Electoral Commission”.
- 9.—(1) Section 26 (orders, regulations and directions under Part II) is amended as follows.
 - (2) In subsection (1) after “the Secretary of State” insert “or the Electoral Commission”.
 - (3) For subsection (3) substitute—
 - “(3) Every power of the Secretary of State under this Part to make orders or regulations, and every power of the Electoral Commission to make orders or to give directions, shall include power to make different provision for different cases, including provision for different localities and for different bodies”.
 - (4) In subsection (6)—
 - (a) for the words “the Secretary of State is satisfied” substitute “the Secretary of State is or the Electoral Commission are satisfied”;
 - (b) for “he may” substitute “he or they may”; and
 - (c) for “he thinks” substitute “he thinks or they think”.
- 10.—(1) Section 27 (amendments relating to local government changes) is amended as follows.
 - (2) In subsection (2) for the words “the Secretary of State and the Local Government Commission” substitute “the Electoral Commission and the Boundary Committee for England”.

(8) Paragraph (ea) was inserted by section 20 of the Local Government and Rating Act 1997.

(9) Subsection (7) was inserted by section 89(3) of the Local Government Act 2000.

(3) In paragraph (b) of subsection (2) for “Local Government Commission” substitute “the Electoral Commission and the Boundary Committee for England”.

SCHEDULE 2

Article 9

Amendments to other Acts

The Local Government Act 1972

1. In section 73(2) of the Local Government Act 1972⁽¹⁰⁾ (“the 1972 Act”) (alteration of local boundaries consequent on alteration of water-course) for “Local Government Commission for England” substitute “Electoral Commission”.

2.—(1) Schedule 11 to the 1972 Act is amended as follows.

(2) In paragraph 1(1), omit the words “the Secretary of State or”.

(3) In paragraph 3(1), omit the words “the Secretary of State or”.

(4) In paragraph 4(1), omit the words “by the Secretary of State,”.

The Local Government and Rating Act 1997

3.—(1) Section 9 of the Local Government and Rating Act 1997 (reviews of parishes by local authorities) (“the 1997 Act”)⁽¹¹⁾ is amended as follows.

(2) In subsection (3), omit the words from “and” to the end.

(3) After subsection (3) insert—

“(3A) Where the council make recommendations under subsection (3) they must also make proposals to the Electoral Commission for the electoral arrangements for the new parish council.”

(4) In subsection (4), insert after “mentioned in subsection (3),” “or make the proposals mentioned in subsection (3A),”.

(5) In subsection (5), for the words “include recommendations” substitute “make proposals to the Electoral Commission”.

(6) In subsection (6), for the words “include a recommendation” substitute “make proposals to the Electoral Commission”.

4.—(1) Section 10 of the 1997 Act (procedure on a review) is amended as follows.

(2) In subsection (3)—

(a) after the words “the Secretary of State” insert “or proposals to the Electoral Commission”; and

(b) in paragraphs (a) and (b) insert after “recommendations” “or proposals”.

(3) In subsection (4)—

(a) insert after “recommendations” each time it appears “or proposals”; and

(b) insert after “Secretary of State” “and the Electoral Commission”.

5. In section 11(5) of the 1997 Act (petitions for new parishes), omit “,13”.

⁽¹⁰⁾ 1972 c. 70.

⁽¹¹⁾ 1997 c. 29.

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6.—(1) Section 12 of the 1997 Act (views of local authority about the petition) is amended as follows.

(2) In subsection (2)—

- (a) insert after “inform” “the Electoral Commission and”; and
- (b) for “him” substitute “the Secretary of State”.

(3) In subsection (4)—

- (a) for the words from “recommendations” to “Secretary of State” the second time it appears substitute “proposals to the Electoral Commission about those matters, they must send them to the Electoral Commission”; and
- (b) in paragraphs (a) and (b) for “recommendations” substitute “proposals”.

(4) In subsection (6)—

- (a) for the words “recommendations to the Secretary of State” substitute “proposals to the Electoral Commission”; and
- (b) for the word “him” substitute “the Commission”.

(5) In subsection (7)—

- (a) for “recommendations” substitute “proposals”; and
- (b) for “Secretary of State” substitute “Electoral Commission”.

7. For section 13 of the 1997 Act (consultation with Local Government Commission) substitute—

“13 Consideration by Electoral Commission

(1) Where the Electoral Commission are sent any proposals under section 9 or 12, or the Secretary of State requests the Commission to advise him on any recommendations made to him under either of those sections, the Commission may direct the Boundary Committee for England to carry out a review of the proposals or recommendations either—

- (a) in accordance with the procedure prescribed in section 15 of the Local Government Act 1992 (procedure on a review); or
- (b) if they consider it more appropriate in the circumstances, in accordance with the procedure prescribed in section 15A of that Act (alternative procedure on a review),

and to make recommendations to the Commission.

(2) The Electoral Commission may advise the Secretary of State to give effect to any recommendations made to him subject to such changes as appear to them to be appropriate.

(3) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.

(4) A direction may, in particular, require the Boundary Committee for England to have regard to—

- (a) any guidance given by the Electoral Commission;
- (b) guidance given by the Secretary of State as to matters to be taken into account in relation to boundary changes or the constitution of a new parish.”

8.—(1) Section 14 of the 1997 Act (implementation by Secretary of State) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a) omit the words from “(together” to “England)”; and

- (b) in paragraph (b), omit the words from “(together” to “petition)”.
- (3) After subsection (1) insert—
 - “(1A) The Electoral Commission may by order give effect to any proposals sent to them under section 9 or 12 subject to—
 - (a) any recommendations made to them on those proposals by the Boundary Committee for England; and
 - (b) any modifications to those recommendations agreed with that Committee.”
- (4) In subsection (2), for “this section” substitute “subsection (1A)”.
- (5) Omit subsection (3).
- (6) For subsection (5) substitute—
 - “(5) The Electoral Commission may give effect to proposals sent to them under section 12 whether or not the proposals are sent within the period mentioned in section 12(7).
 - (6) The Secretary of State may give effect to a petition in accordance with subsection (1) (b) whether or not it is sent to him within the period mentioned in section 11(4).”
- 9.** In section 17 of the 1997 Act (electoral arrangements), substitute for the words “Secretary of State has” in paragraph (b) of subsection (4) the words “Electoral Commission have”.
- 10.** In section 18(1) of the 1997 Act (considerations in deciding about electoral arrangements)—
 - (a) omit the words “the Secretary of State,”; and
 - (b) for “the Local Government Commission for England” substitute “the Electoral Commission”.
- 11.—**(1) Section 22 of the 1997 Act (exercise of functions) is amended as follows.
 - (2) In subsection (1), insert at the end “or by the Electoral Commission”.
 - (3) In subsection (2), for “Local Government Commission for England” substitute “Electoral Commission”.
 - (4) Omit subsections (3) and (4).
- 12.—**(1) Section 23 of the 1997 Act (orders and regulations under Part II) is amended as follows.
 - (2) In subsection (1) insert after “regulations” “or power of the Electoral Commission to make an order under section 14(1A)”.
 - (3) In subsection (8) insert at the end “and to the Electoral Commission”.

The Greater London Authority Act 1999

- 13.** In section 2(4) of the Greater London Authority Act 1999 (membership of the Authority and the Assembly) (“the 1999 Act”)(**12**), for “the Secretary of State” substitute “statutory instrument by the Electoral Commission”.
- 14.—**(1) Schedule 1 to the 1999 Act (Assembly constituencies and orders under section 2(4)) is amended as follows.
 - (2) In paragraph 1 (Changes to Assembly Constituencies)—
 - (a) In sub-paragraph (1)—
 - (i) in paragraph (a) for “review” substitute “request”; and

(12) 1999 c. 29.

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- (ii) for “Local Government Commission for England (“the Commission”) recommends” substitute “Electoral Commission recommend”;
- (b) for sub-paragraph (3) substitute—
 - “(3) Where this paragraph applies, the Electoral Commission shall direct the Boundary Committee for England (“the Committee”) to conduct a review in accordance with Part II of the 1992 Act and to submit to the Electoral Commission the reports required under sub-paragraph (4) or (5) below;”
- (c) in sub-paragraph (4)—
 - (i) for “Commission” each time it appears substitute “Committee”;
 - (ii) for “is” the first time it appears substitute “are”; and
 - (iii) for “Secretary of State” substitute “Electoral Commission”;
- (d) in sub-paragraph (5) for “Commission is” substitute “Committee are”; and
- (e) after sub-paragraph (5) insert—
 - “(5A) The Electoral Commission may direct the Committee to reconsider the recommendation made under sub-paragraph (4)”;
- (f) omit sub-paragraphs (6) and (7).
- (3) In paragraph 2 (Comprehensive review of Assembly constituencies)—
 - (a) in sub-paragraph (1)—
 - (i) for “Secretary of State” each time it appears substitute “Electoral Commission”;
 - (ii) for “directs” substitute “direct”;
 - (iii) for “Commission” substitute “Committee”; and
 - (iv) for “it recommends” each time it appears substitute “they recommend”.
 - (b) in sub-paragraph (2), for “Commission” substitute “Committee”.
- (4) In paragraph 3 (preparation and submission of report)—
 - (a) in sub-paragraph (2)—
 - (i) for “the Commission shall take such steps as it considers” substitute “the Committee shall take such steps as they consider” and
 - (ii) in paragraph (a), for “Commission” substitute “Committee”.
 - (b) in sub-paragraph (3)—
 - (i) for “its report, the Commission” substitute “their report, the Committee”;
 - (ii) in paragraph (a), for “made to it” substitute “made to them”;
 - (iii) in paragraph (b), for “it considers” substitute “they consider”; and
 - (iv) in paragraph (d), for “Commission” substitute “Committee”.
 - (c) in sub-paragraph (4)—
 - (i) for “Commission is” substitute “Committee are”;
 - (ii) for “its report” substitute “their report”;
 - (iii) for “Secretary of State” substitute “Electoral Commission”;
 - (iv) for “it shall” substitute “they shall”;
 - (v) in paragraph (a), for “him” substitute “them”;
 - (vi) in paragraph (b), for “it considers” substitute “they consider”.
- (5) In paragraph 4 (further report)—

- (a) in sub-paragraph (1)—
 - (i) for “Secretary of State” substitute “Electoral Commission”;
 - (ii) for “he may, if he thinks fit” substitute “they may, if they think fit”; and
 - (iii) for “Commission” substitute “Committee”.
- (b) in sub-paragraph (3), for “Commission” substitute “Committee”.
- (6) In paragraph 5 (Directions)—
 - (a) for “Secretary of State” each time it appears substitute “Electoral Commission”;
 - (b) for “Commission” each time it appears substitute “Committee”; and
 - (c) for “its functions” substitute “their functions”.
- (7) Omit paragraph 6.
- (8) In paragraph 8 (orders under section 2(4))—
 - (a) for sub-paragraph (1) substitute—

“(1) Subject to paragraph (1A) an order under section 2(4) of this Act may give effect, with or without modifications to all or any of the recommendations made to the Electoral Commission under—

 - (a) paragraph 1(4) or (5A) above;
 - (b) paragraph 2(1) above; or
 - (c) paragraph 4(1)(b) above.

(1A) No modifications may be made to any recommendations contained in a report unless they have been agreed with the Committee.”; and
 - (b) in sub-paragraph (3)—
 - (i) for “Secretary of State” substitute “Electoral Commission”;
 - (ii) for “Commission” substitute “Committee”; and
 - (iii) for “him” substitute “them”.
- (9) In paragraph 9—
 - (a) for “Secretary of State is” substitute “Electoral Commission are”;
 - (b) for “he may by order” substitute “they may by order made by statutory instrument”; and
 - (c) for “he thinks” substitute “they think”.