
STATUTORY INSTRUMENTS

2018 No. 1128

The Local Government (Boundary Changes) Regulations 2018

PART 6

Electoral administration

Returning officers and proper officers

16.—(1) The returning officer⁽¹⁾ 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 shadow authority; or
- (b) if the shadow authority 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.

(2) In this regulation, “proper officer” means the proper officer for the purposes of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006⁽²⁾.

Interim acting returning officers and electoral registration officers

17.—(1) Every authority which, on the coming into force of these Regulations, is a shadow authority, shall, not later than the relevant date, appoint one of their officers to discharge the duties referred to in paragraph (2).

(2) The duties are such duties in relation to any parliamentary election⁽³⁾ for which a writ is issued after the relevant date for any constituency or part of a constituency coterminous with or situated in the authority’s area, as fall to be discharged by the acting returning officer.

(3) A person appointed under paragraph (1) is referred to in the following provisions of this regulation as an “electoral appointee”.

(4) If an electoral appointee dies or otherwise ceases to be the electoral appointee at any time after the date of his or her appointment and before the time at which the duties referred to in paragraph (2) have been fully discharged, the authority shall immediately appoint another of its officers to discharge those duties or such of them as remain to be discharged⁽⁴⁾.

(5) A person appointed under paragraph (4) is referred to in the following provisions of this regulation as a “substitute appointee”.

(6) If a substitute appointee dies or otherwise ceases to be the substitute appointee during the period referred to in paragraph (4), that paragraph shall apply as if, for “an electoral appointee”

(1) See section 35 of the Representation of the People Act 1983 (c. 2) for meaning of “returning officer”.

(2) S.I. 2006/3305.

(3) See Schedule 1 to the Interpretation Act 1978 (c. 30) for meaning of “parliamentary election”.

(4) By virtue of section 28(2) of the 1983 Act, the excepted duties are those relating to the issue of the writ and, if the returning officer reserves to him or herself and undertakes to perform in person, those relating to the declaration of the result.

and “the electoral appointee”, there were substituted “a substitute appointee” and “the substitute appointee”.

(7) Section 28(1) of the 1983 Act (discharge of returning officer’s functions in England and Wales) shall have effect as regards the period beginning on the day after the relevant date and ending on the reorganisation date as if, after paragraph (aa)(5), there were inserted—

“(ab) in the case of a constituency or part of a constituency in England that is coterminous with or situated in an area for which, pursuant to an order under section 10 of the Local Government and Public Involvement in Health Act 2007, there is to be a new council, the person appointed in accordance with regulation 17(1) or (4) of the Local Government (Boundary Changes) Regulations 2018;”.

(8) An electoral registration officer appointed by a predecessor council under section 8 of the 1983 Act (registration officers) shall not discharge any duties of the returning officer at an election of a description mentioned in paragraph (2), except those mentioned in section 28(2) of that Act.

(9) The person who, immediately before the reorganisation date, is the electoral appointee or substitute appointee of a shadow authority shall, on that date, be deemed to have been appointed the electoral registration officer for any constituency or part of a constituency that is coterminous with or situated in the area of the successor council.

(10) At any time before the reorganisation date, an electoral appointee or a substitute appointee may, after consultation with the persons mentioned in paragraph (11), take such steps as the electoral appointee or substitute appointee considers necessary to prepare for the exercise on and after that date of their functions as electoral registration officer.

(11) The persons are each person who is for the time being an electoral registration officer(6) appointed by a predecessor council.

(12) In this regulation—

“the 1983 Act” means the Representation of the People Act 1983(7); and

“the relevant date” means the 30th November that immediately precedes the reorganisation date.

(5) Paragraph (aa) was inserted by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 68(4).

(6) See section 8 of the Representation of the People Act 1983 for meaning of “electoral registration officer”.

(7) 1983 c. 2. Section 8(2) was amended by the Local Government (Wales) Act 1994 (c. 19), Schedule 16, paragraph 68(1). Section 37 was amended by section 60 of the Local Government and Public Involvement in Health Act 2007 (c. 28). There are other amendments not relevant to these Regulations.