
DRAFT STATUTORY INSTRUMENTS

2017 No.

**The Combined Authorities (Mayors)
(Filling of Vacancies) Order 2017**

Date on which vacancy occurs

4. For the purposes of this Order, a vacancy is to be taken to have occurred on—
- (a) in the case of resignation, the date of the receipt of the notice of resignation by the person to whom the notice is required to be delivered⁽¹⁾;
 - (b) in the case of death, the date of death;
 - (c) in the case of the mayor's election being declared void on the determination of an election petition, the date of—
 - (i) the expiry of the ordinary period allowed for making an application with respect to the report or certificate of the election court, or
 - (ii) if an application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted;
 - (d) the date on which the mayor's office is declared to have been vacated by the combined authority⁽²⁾, in any of the following circumstances—
 - (i) the mayor ceasing to be qualified to be a member of the combined authority;
 - (ii) the mayor ceasing to be a member of the combined authority by reason of failure to attend meetings⁽³⁾; or
 - (iii) the mayor becoming disqualified for any other reason;
 - (e) where the mayor's office is declared to have been vacated by the High Court in proceedings for disqualification ⁽⁴⁾, the date of—
 - (i) the expiry of the ordinary period allowed for making an appeal or application with respect to the decision of the High Court, or
 - (ii) if an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.

⁽¹⁾ The procedure for resignation of a member of a combined authority may be specified in an order made under section 104 of the Local Democracy, Economic Development and Construction Act 2009 – see, for example paragraph 1(9) of Schedule 1 to [S.I. 2014/865](#).

⁽²⁾ See section 86 of the Local Government Act 1972 as amended by paragraph 14 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009.

⁽³⁾ See section 85 of the Local Government Act 1972.

⁽⁴⁾ See section 92(2)(a)(i) of the Local Government Act 1972.