
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Local Authorities (Mayoral Elections) (England and Wales) (Amendment) (England) Regulations 2019

Citation and commencement

1.—(1) These Regulations may be cited as the Local Authorities (Mayoral Elections) (England and Wales) (Amendment) (England) Regulations 2019.

(2) These Regulations come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations, “the 2007 Regulations” means the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(1) and “mayoral election” has the meaning given in regulation 2 of those Regulations.

Application

3. These Regulations apply only in respect of a mayoral election taking place in England.

Savings

4. The amendments made to the 2007 Regulations by these Regulations do not apply in relation to any mayoral election in respect of which the date of the poll stated in the notice of the election is on or before 2nd May 2019.

Amendment of Schedule 1 to the 2007 Regulations

5.—(1) Schedule 1 to the 2007 Regulations (Mayoral Elections Rules) is amended as follows.

(2) In rule 6 (nomination of candidates)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (a), insert “and”, and

(ii) omit sub-paragraph (b) and the “and” at the end of that sub-paragraph;

(b) after paragraph (5), insert—

“(6) The nomination paper must be accompanied by a form (in these Rules referred to as the “home address form”) which states—

(a) the candidate’s—

(i) full names,

(ii) home address in full, and

- (iii) qualifying address or, if the candidate declares they are qualified by more than one of the qualifications mentioned in paragraph (9), qualifying addresses;
- (b) the attesting person's—
 - (i) full names, and
 - (ii) home address in full.

Provision in paragraph (2) about delivery of the nomination paper applies also to the home address form.

- (7) The home address form—
 - (a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public, and
 - (b) if it does so, must—
 - (i) if that address is in the United Kingdom, state the relevant area;
 - (ii) if that address is outside the United Kingdom, state the country within which it is situated.

(8) The home address form must also state, in relation to each qualifying address, which of the qualifications mentioned in paragraph (9) that address relates to.

- (9) In this rule, “qualifying address”, in relation to a candidate, means—
 - (a) if the candidate declares in their consent to nomination that they are qualified to be elected as mayor by virtue of being registered as a local government elector at a particular address, that address;
 - (b) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of owning or occupying land or other premises in a particular area, a description and the address of that land or those premises;
 - (c) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of their principal or only place of work being in a particular area, the address in full of that place of work;
 - (d) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of residing in a particular area, the address, or addresses, in full at which the candidate has so resided.

- (10) In this rule—

“attesting person”, in relation to a candidate, means the person who attests the candidate's consent to nomination in accordance with rule 9(c);

“relevant area”—

- (a) in relation to a home address which is in England, means—
 - (i) if it is within a district for which there is a district council, that district;
 - (ii) if it is within a county in which there are no districts with councils, that county;
 - (iii) if it is within a London borough, that London borough;
 - (iv) if it is within the City of London (including the Inner and Middle Temples), the City of London;
 - (v) if it is in the Isles of Scilly, the Isles of Scilly;
- (b) in relation to a home address which is in Wales, means—
 - (i) if it is within a county, that county;

- (ii) if it is within a county borough, that county borough;
 - (c) in relation to a home address in Scotland, means the local government area in which it is situated;
 - (d) in relation to a home address in Northern Ireland, means the local government district in which it is situated.”
- (3) In rule 9 (consent to nomination), in paragraph (b)(i), omit “, section 78A of the Local Government Act 2000”.
- (4) In rule 11 (decisions as to validity of nomination papers)—
 - (a) in the heading, after “papers”, insert “and home address forms”;
 - (b) in paragraph (1)—
 - (i) in the opening words, after “nomination”, in the second place it appears, insert “and home address form”, and
 - (ii) after sub-paragraph (a), insert—
 - “(aa) the returning officer decides that the candidate’s home address form—
 - (i) does not comply with the requirements of rule 6(6) or (8), or
 - (ii) if the form contains a statement under rule 6(7)(a), does not comply with the signature requirement in that rule or the requirements of rule 6(7)(b), or”;
 - (c) in paragraph (3)—
 - (i) for “nomination paper has” substitute “nomination paper and home address form have”, and
 - (ii) for “it” substitute “them”;
 - (d) in paragraph (6), for “nomination paper”, in the second place it appears, substitute “home address form”.
- (5) In rule 12 (publication of statement of persons nominated)—
 - (a) in paragraph (2), after “nomination papers”, insert “ and home address forms”;
 - (b) after paragraph (6), insert—
 - “(6A) In relation to a nominated person whose home address form (or, if the person is nominated by more than one nomination paper, any of the home address forms) contains—
 - (a) the statement mentioned in rule 6(7)(a), and
 - (b) the information mentioned in rule 6(7)(b),the reference in paragraph (2) to the person’s address is to be read as a reference to the information mentioned in rule 6(7)(b).”;
 - (c) after paragraph (7), insert—
 - “(8) Where—
 - (a) two or more of the names shown on the statement are the same or so similar it is likely to cause confusion,
 - (b) paragraph (6A) applies in relation to each of the persons in question, and
 - (c) the information mentioned in rule 6(7)(b) is the same for both of them,the returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate to reduce the likelihood of confusion.

(9) Where it is practicable to do so before the publication of the statement, the returning officer must consult any person whose particulars are to be amended or added to under paragraph (8).

(10) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (8).

(11) Anything done by a returning officer in pursuance of paragraph (8) must not be questioned in proceedings other than proceedings on an election petition.

(12) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (8).”

(6) After rule 13, insert—

“Inspection of home address forms

13A.—(1) During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, a specified person may inspect the home address forms.

(2) The specified persons are—

- (a) any person standing nominated as a candidate in the same electoral area, or
- (b) the election agent, proposer or seconder of such a person.

(3) But where a candidate acts as their own election agent, the candidate may nominate another person who shall be entitled to inspect the forms.

(4) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—

- (a) to such one of those papers as the candidate may select, or
- (b) in default of such a selection, to that one of those papers which is first delivered in accordance with rule 6(2),

are entitled to inspect the forms as the candidate’s proposer and seconder.

(5) Nothing in this rule permits any person to take a copy of, or extracts from, any home address forms.

(6) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.”

(7) In rule 14 (correction of minor errors)—

- (a) in paragraph (1), after “paper”, insert “or home address form”;
- (b) in paragraph (2), after sub-paragraph (b), insert—
 - “(c) errors as to the information mentioned in rule 6(7)(b).”

(8) After rule 59, insert—

“Destruction of home address forms

59A.—(1) The returning officer must destroy each candidate’s home address form—

- (a) on the next working day following the 35th day after the officer returns the name of the mayor elected, or
- (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.

- (2) In this rule, “working day” means a day other than—
 - (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
 - (c) a day appointed for public thanksgiving or mourning.
- (3) For the purposes of paragraph (2), “bank holiday” has the meaning given in rule 4(2).”
- (9) In the Appendix of forms—
 - (a) for “Form 1” (nomination paper) substitute the form set out in Part 1 of Schedule 1 to these Regulations;
 - (b) for “Form 2” (candidate’s consent to nomination) substitute the form set out in Part 2 of that Schedule;
 - (c) for “Form 3” (ballot paper (two candidates)) substitute the form (including the directions as to printing) set out in Part 3 of that Schedule;
 - (d) for “Form 4” (ballot paper (three or more candidates)) substitute the form (including the directions as to printing) set out in Part 4 of that Schedule.

Amendment of Schedule 3 to the 2007 Regulations

6.—(1) Schedule 3 to the 2007 Regulations (Mayoral Elections (Combination of Polls) Rules) is amended as follows.

- (2) In rule 6 (nomination of candidates)—
 - (a) in paragraph (3)—
 - (i) at the end of sub-paragraph (a), insert “and”, and
 - (ii) omit sub-paragraph (b) and the “and” at the end of that sub-paragraph;
 - (b) after paragraph (5), insert—

“(6) The nomination paper must be accompanied by a form (in these Rules referred to as the “home address form”) which states—

 - (a) the candidate’s—
 - (i) full names,
 - (ii) home address in full, and
 - (iii) qualifying address or, if the candidate declares they are qualified by more than one of the qualifications mentioned in paragraph (9), qualifying addresses;
 - (b) the attesting person’s—
 - (i) full names, and
 - (ii) home address in full.

Provision in paragraph (2) about delivery of the nomination paper applies also to the home address form.

- (7) The home address form—
 - (a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public, and
 - (b) if it does so, must—
 - (i) if that address is in the United Kingdom, state the relevant area;
 - (ii) if that address is outside the United Kingdom, state the country within which it is situated.

(8) The home address form must also state, in relation to each qualifying address, which of the qualifications mentioned in paragraph (9) that address relates to.

(9) In this rule, “qualifying address”, in relation to a candidate, means—

- (a) if the candidate declares in their consent to nomination that they are qualified to be elected as mayor by virtue of being registered as a local government elector at a particular address, that address;
- (b) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of owning or occupying land or other premises in a particular area, a description and the address of that land or those premises;
- (c) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of their principal or only place of work being in a particular area, the address in full of that place of work;
- (d) if the candidate declares in that consent that they are qualified to be elected as mayor by virtue of residing in a particular area, the address, or addresses, in full at which the candidate has so resided.

(10) In this rule—

“attesting person”, in relation to a candidate, means the person who attests the candidate’s consent to nomination in accordance with rule 9(c);

“relevant area”—

- (a) in relation to a home address which is in England, means—
 - (i) if it is within a district for which there is a district council, that district;
 - (ii) if it is within a county in which there are no districts with councils, that county;
 - (iii) if it is within a London borough, that London borough;
 - (iv) if it is within the City of London (including the Inner and Middle Temples), the City of London;
 - (v) if it is in the Isles of Scilly, the Isles of Scilly;
- (b) in relation to a home address which is in Wales, means—
 - (i) if it is within a county, that county;
 - (ii) if it is within a county borough, that county borough;
- (c) in relation to a home address in Scotland, means the local government area in which it is situated;
- (d) in relation to a home address in Northern Ireland, means the local government district in which it is situated.”

(3) In rule 9 (consent to nomination), in paragraph (b)(i), omit “, section 78A of the Local Government Act 2000”.

(4) In rule 11 (decisions as to validity of nomination papers)—

- (a) in the heading, after “papers”, insert “and home address forms”;
- (b) in paragraph (1)—
 - (i) in the opening words, after “nomination”, in the second place it appears, insert “and home address form”, and
 - (ii) after sub-paragraph (a), insert—
 - “(aa) the returning officer decides that the candidate’s home address form—

- (i) does not comply with the requirements of rule 6(6) or (8), or
 - (ii) if the form contains a statement under rule 6(7)(a), does not comply with the signature requirement in that rule or the requirements of rule 6(7)(b), or”;
 - (c) in paragraph (3)—
 - (i) for “nomination paper has” substitute “nomination paper and home address form have”, and
 - (ii) for “it” substitute “them”;
 - (d) in paragraph (6), for “nomination paper”, in the second place it appears, substitute “home address form”.
 - (5) In rule 12 (publication of statement of persons nominated)—
 - (a) in paragraph (2), after “nomination papers”, insert “ and home address forms”;
 - (b) after paragraph (6), insert—
 - “(6A) In relation to a nominated person whose home address form (or, if the person is nominated by more than one nomination paper, any of the home address forms) contains—
 - (a) the statement mentioned in rule 6(7)(a), and
 - (b) the information mentioned in rule 6(7)(b),
 - the reference in paragraph (2) to the person’s address are to be read as a reference to the information mentioned in rule 6(7)(b).”;
 - (c) after paragraph (7), insert—
 - “(8) Where—
 - (a) two or more of the names shown on the statement are the same or so similar it is likely to cause confusion,
 - (b) paragraph (6A) applies in relation to each of the persons in question, and
 - (c) the information mentioned in rule 6(7)(b) is the same for both of them,
 - the returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate to reduce the likelihood of confusions.
 - (9) Where it is practicable to do so before the publication of the statement, the returning officer must consult any person whose particulars are to be amended or added to under paragraph (8).
 - (10) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (8).
 - (11) Anything done by a returning officer in pursuance of paragraph (8) must not be questioned in proceedings other than proceedings on an election petition.
 - (12) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (8).”
- (6) After rule 13, insert—

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13A.—(1) During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, a specified person may inspect the home address forms.

(2) The specified persons are—

- (a) any person standing nominated as a candidate in the same electoral area, or
 - (b) the election agent, proposer or seconder of such a person.
- (3) But where a candidate acts as their own election agent, the candidate may nominate another person who shall be entitled to inspect the forms.
- (4) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—
- (a) to such one of those papers as the candidate may select, or
 - (b) in default of such a selection, to that one of those papers which is first delivered in accordance with rule 6(2),
- are entitled to inspect the forms as the candidate’s proposer and seconder.
- (5) Nothing in this rule permits any person to take a copy of, or extracts from, any home address form.
- (6) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.”
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- (a) in paragraph (1), after “paper”, insert “or home address form”;
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 - (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.
- (3) In this rule, “working day” means a day other than—
- (a) a Saturday or Sunday,
 - (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
 - (c) a day appointed for public thanksgiving or mourning.
- (4) For the purposes of paragraph (3), “bank holiday” has the meaning given in rule 4(2).”
- (9) In the Appendix of forms—
- (a) for “Form 1” (nomination paper) substitute the form set out in Part 1 of Schedule 2 to these Regulations ;
 - (b) for “Form 2” (candidate’s consent to nomination) substitute the form set out in Part 2 of that Schedule;
 - (c) for “Form 3” (ballot paper (two candidates)) (including the directions as to printing), substitute the form set out in Part 3 of that Schedule;
 - (d) for “Form 4” (ballot paper (three or more candidates)) (including the directions as to printing), substitute the form set out in Part 4 of that Schedule.

Amendment of Schedule 4 to the 2007 Regulations

7. In Schedule 4 to the 2007 Regulations (free delivery of election addresses), in paragraph 3, after sub-paragraph (6), insert—

“(7) Where a candidate’s home address has been withheld in accordance with rule 6(7) of Schedule 1 or Schedule 3 to these Regulations, the reference to the address of the candidate in sub-paragraph (6)(c) is to be read as a reference to the information mentioned in rule 6(7)(b).”

Name
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