



# Representation of the People Act 1985

## 1985 CHAPTER 50

### *Miscellaneous and supplemental*

#### **21 Ordinary elections of parish and community councillors: insufficient nominations**

- (1) This section applies where, at an ordinary election of parish or community councillors in England and Wales, an insufficient number of persons are or remain validly nominated to fill the vacancies in respect of which the election is held.
- (2) Unless the number of newly elected members of the council in question is less than the number that constitutes a quorum for meetings of the council—
  - (a) those members may co-opt any person or persons to fill the vacancy or vacancies remaining unfilled,
  - (b) the district council may exercise the powers conferred by section 39(4) of the principal Act (power of district council by order to do anything necessary for the proper holding of an election etc.) in relation to any such vacancy or vacancies as are not so filled, and
  - (c) section 39(1) of that Act (duty of returning officer to order an election) shall not apply ;

but the powers mentioned in paragraph (b) above shall not be exercised before the expiry of the period of 35 days (computed according to section 40 of that Act) beginning with the day on which the election was held.

- (3) Subsection (7) of section 39 of that Act (parishes in different districts grouped) shall apply for the purposes of subsection (2) above as it applies for the purposes of subsections (4) and (6) of that section and section 40(3) of that Act (computation of time) shall apply for the purposes of subsection (2) above as it applies for the purposes of section 39.