



Local Government and Public Involvement in Health Act 2007

2007 CHAPTER 28

PART 2 **E+W**

ELECTORAL ARRANGEMENTS

CHAPTER 2 **E+W**

MISCELLANEOUS

Requests for single-member electoral areas in England

^{F1}55 **Requests for single-member electoral areas** **E+W**

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Textual Amendments

F1 Ss. 55-57 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

Electoral Commission and Boundary Committee: reviews and recommendations

^{F1}56 **Electoral Commission and Boundary Committee: reviews and recommendations** **E+W**

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Changes to legislation: There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Chapter 2. (See end of Document for details)

Textual Amendments

F1 Ss. 55-57 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

F1 57 Procedure in connection with reviews **E+W**

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Textual Amendments

F1 Ss. 55-57 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

Electoral areas in England

58 Metropolitan districts: councillors per ward **E+W**

- (1) Section 6 of the Local Government Act 1972 (c. 70) (term of office and retirement of councillors) is amended as follows.
- (2) For subsection (2)(b) substitute—
 - “(b) every metropolitan district shall be divided into wards, each returning such number of councillors as may be provided as mentioned in subsection (3) below;”.
- (3) For subsection (3) substitute—
 - “(3) The number of councillors referred to in subsection (2)(b) or (c) above may be provided—
 - (a) under or by virtue of the provisions of section 7 below;
 - (b) by an order under Part 2 of the Local Government Act 1992 (c. 19);
 - (c) by an order under section 14 of the Local Government and Rating Act 1997 (c. 29);
 - (d) by an order under Part 1 of the Local Government and Public Involvement in Health Act 2007.”

Commencement Information

II S. 58 in force at 30.12.2007, see s. 245(2)

59 Change of name of electoral area **E+W**

- (1) A local authority may, by resolution, change the name of any of the authority's electoral areas.
- (2) A local authority must comply with subsections (3) to (5) in passing a resolution to change the name of an electoral area.

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- (3) The local authority must not pass the resolution unless it has taken reasonable steps to consult such persons as it considers appropriate on the proposed name.
- (4) The resolution must be passed—
- (a) at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object, and
 - (b) by a majority of at least two thirds of the members voting on it.
- (5) If the name of the electoral area is protected, the resolution may not be passed unless the [^{F2}Local Government Boundary Commission] has first agreed to the proposed change.
- (6) As soon as practicable after a resolution is passed, the local authority must give notice of the change of name to all of the following—
- (a) the [^{F3}Local Government Boundary Commission];
 - (b) the Boundary Commission for England;
 - (c) the Office of National Statistics;
 - (d) the Director General of the Ordnance Survey;
 - (e) if the local authority is a county council, the district council (if any) within whose area the electoral area lies;
 - (f) if the local authority is a district council, the county council (if any) within whose area the electoral area lies.
- (7) The change of name does not take effect until the [^{F4}Local Government Boundary Commission] have been given notice of the change.
- (8) For the purposes of this section the name of an electoral area is “protected” if—
- (a) the name was given to the electoral area by or in pursuance of an order under section 17 of the Local Government Act 1992 (c. 19)[^{F5}, section 59 of the Local Democracy, Economic Development and Construction Act 2009] or section 14 of the Local Government and Rating Act 1997 (c. 29), and
 - (b) that order was made during the period of five years ending with the day on which a resolution to change the name is to be passed.
- (9) In subsection (4) the reference to the members of the council includes, in a case where the council are operating a mayor and cabinet executive, the elected mayor of the council.
- (10) In this section—
- “electoral area”, in relation to a local authority, means any area for which councillors are elected to the authority;
- “local authority” means—
- (a) a county council in England;
 - (b) a district council in England; or
 - (c) a London borough council.

Textual Amendments

- F2** Words in s. 59(5) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 30\(2\)](#); S.I. 2009/3318, art. 4(ff)
- F3** Words in s. 59(6)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), [Sch. 4 para. 30\(2\)](#); S.I. 2009/3318, art. 4(ff)

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- F4** Words in s. 59(7) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 30(2)**; S.I. 2009/3318, art. 4(ff)
- F5** Words in s. 59(8)(a) inserted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(3)(b), **Sch. 4 para. 30(3)**; S.I. 2009/3318, art. 4(ff)

Modifications etc. (not altering text)

- C1** S. 59: transfer of functions (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 60(2)(3)(c), 148(3)(b) (with s. 63(4)); S.I. 2009/3318, art. 4(i)

Commencement Information

- I2** S. 59 in force at 30.12.2007, see s. 245(2)

Election dates

60 Power to change date of local elections to date of European Parliamentary general election E+W

- (1) In section 37 of the Representation of the People Act 1983 (c. 2) (ordinary days of local elections in England and Wales), after subsection (2) insert—

“(2A) Subsection (1) is subject to any order under—

- (a) section 37A (local government areas in England), or
- (b) section 37B (local government areas in Wales).”

- (2) After that section insert—

“37A Power to change date of local elections to date of European Parliamentary general election: England

- (1) The Secretary of State may by order provide that in a year in which a European Parliamentary general election is to be held—
- (a) the ordinary day of election of councillors for counties in England, districts and London boroughs,
 - (b) the ordinary day of election of councillors for parishes, and
 - (c) as respects Authority elections, the day on which the poll is to be held at an ordinary election,
- shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under all of paragraphs (a) to (c) or under one or more of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
- (a) the local election day in that year, or
 - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
- (a) the first Thursday in May, or

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- (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
- (5) Before making an order under this section, the Secretary of State must consult—
 - (a) the Electoral Commission, and
 - (b) such other persons as he considers appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Welsh Ministers make an order under section 37B, the Secretary of State may by order make such consequential provision in relation to elections in England as he thinks fit.
- (8) The powers under subsections (6) and (7) include power to make—
 - (a) different provision for different purposes;
 - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
- (9) An order under this section must be made by statutory instrument.
- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

37B Power to change date of local elections to date of European Parliamentary general election: Wales

- (1) The Welsh Ministers may by order provide that, in a year in which a European Parliamentary general election is to be held, the ordinary day of election of councillors for—
 - (a) counties in Wales and county boroughs, and
 - (b) communities,
 shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under paragraphs (a) and (b) or under one of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
 - (a) the local election day in that year, or
 - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
 - (a) the first Thursday in May, or
 - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.

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- (5) Before making an order under this section, the Welsh Ministers must consult—
- (a) the Electoral Commission, and
 - (b) such other persons as they consider appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Secretary of State makes an order under section 37A, the Welsh Ministers may by order make such consequential provision in relation to elections in Wales as they think fit.
- (8) The powers under subsections (6) and (7) include power to make—
- (a) different provision for different purposes;
 - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
- (9) An order under this section must be made by statutory instrument.
- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”
- (3) In section 3 of the Greater London Authority Act 1999 (c. 29) (time of ordinary elections), in subsection (3), after “section 37(2)” insert “ or 37A ”.

Commencement Information

I3 S. 60 in force at 30.12.2007, see s. 245(2)

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Chapter 2.