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STATUTORY INSTRUMENTS

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**2004 No. 224**

**The Local Elections (Parishes and Communities)  
(Amendment) (England and Wales) Rules 2004**

**Amendment of parishes and communities rules**

**2.—(1)** The Local Elections (Parishes and Communities) Rules 1986(1) shall be amended as follows.

(2) Rule 4 shall become paragraph (1) of that rule and in that paragraph, insert in the appropriate place in alphabetical order—

“the Combination of Polls Regulations” means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(2);

“counting observer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001(3);

“counting officer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“European Parliamentary election” shall have the same meaning as in section 27(1) of the Representation of the People Act 1985(4);

“local counting area” shall have the same meaning as in regulation 2(1) of the European Parliamentary Elections Regulations 2004(5);

“mayoral election” means an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002(6);

“petition organiser” shall have the same meaning as in regulation 3 of the Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000(7);

“polling observer” shall have the same meaning as in regulation 2(1) of the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“referendum” means a referendum conducted under the Local Authorities (Conduct of Referendums) (England) Regulations 2001;

“relevant election or referendum” means one or more of the following—

- (i) a Parliamentary election(8);
- (ii) a European Parliamentary election;
- (iii) another local government election;
- (iv) a mayoral election; and

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(1) S.I.1986/2215; amended by S.I. 1987/260, 1990/157, 1995/1948, 1998/585, 1999/395 and 2001/80.  
(2) S.I. 2004/294.  
(3) S.I. 2001/1298.  
(4) 1985 c. 50.  
(5) S.I. 2004/293.  
(6) S.I. 2002/185.  
(7) S.I. 2000/2852.  
(8) For the definition of “Parliamentary election”, see the Interpretation Act 1978 (c. 30), Schedule 1.

- (v) a referendum,  
the poll at which is taken together with the poll at the parish or community election;  
“voting area” shall have the same meaning as in regulation 2 of the Local Authorities (Conduct of Referendums) (England) Regulations 2001.
- (3) After rule 4(1), insert—
  - “(2) In the case of a referendum, a reference to—
    - (a) a “candidate” shall be construed as a reference to a petition organiser;
    - (b) an “election agent” or a “counting agent” shall be construed as a reference to a counting observer;
    - (c) a “polling agent” shall be construed as a reference to a polling observer; and
    - (d) a “returning officer” shall be construed as a reference to a counting officer.”
- (4) For rule 6, substitute—

**“Combination of polls**

- 6. Where the poll at an election of councillors to the council of a parish or community is to be taken together with the poll at a relevant election or referendum<sup>(9)</sup>, the rules set out in Schedule 2 shall apply to the parish or community election as shown modified in Schedule 3.”
- (5) Rule 7 and Schedule 4 are revoked.
- (6) In Schedule 2, in the Appendix of forms—
  - (a) in the form for the front of the Candidate’s Consent to Nomination, in the declaration to be made by a prospective candidate, after the words “section 80 of the Local Government Act 1972,” omit the words “a copy of which is printed overleaf”, and substitute the words “or any decision made under section 79 of the Local Government Act 2000<sup>(10)</sup>, copies of which sections are printed overleaf”;
  - (b) in the form for the back of the Candidate’s Consent to Nomination, after the words “sections 80 and 81 of the Local Government Act 1972”, add the words “and section 79 of the Local Government Act 2000”; and
  - (c) in paragraph 7 of the form for the back of the Declaration of Identity, delete the words “and the envelopes marked “A” and “B””.
- (7) For Schedule 3, substitute the schedule set out in the Schedule to these Rules.

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(9) Provisions as to the combination of polls at elections including parish or community elections are contained in section 36 of the Representation of the People Act 1983 (c. 2), section 15 of the Representation of the People Act 1985 (c. 50), the Local Authorities (Conduct of Referendums) (England) Regulations 2001 (S.I. 2001/1298) and the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002 (S.I. 2002/185).

(10) 2000 c. 22.