
STATUTORY INSTRUMENTS

2006 No. 3305

**The Local Elections (Parishes and
Communities) (England and Wales) Rules 2006**

Filling of casual vacancies

5.—(1) A request may be made in accordance with paragraph (2) for an election to fill a casual vacancy in the office of a parish or community councillor.

(2) Any request must be made—

- (a) to the proper officer of the council of the district in which the parish is situate or the county or county borough in which the community is situate,
- (b) by 10 persons who are named on the register in use at the time of the request as local government electors for the electoral area in which the vacancy has occurred, and
- (c) within 14 days (computed in accordance with rule 2 of the elections rules in Schedule 2 to these Rules) after public notice of the vacancy has been given in accordance with section 87(2) of the Local Government Act 1972(1).

(3) An election must be held, if requested in accordance with paragraph (2), if the casual vacancy in the office of the parish or community councillor occurs other than within six months before the day on which that councillor would regularly have retired.

(4) Where a casual vacancy in any such office is required to be filled by election, the election must be held on a day appointed by the returning officer, being a day falling within the period of 60 days (so computed) beginning with the day on which public notice of the vacancy was given.

(5) Subject to paragraph (6) below, where a casual vacancy in any such office is not required to be filled by election, the parish or community council must, as soon as practicable after the expiry of the period of 14 days referred to in paragraph (2)(c), co-opt a person to fill the vacancy.

(6) In the case of a casual vacancy occurring in the office of a parish or community councillor within six months before the day on which that councillor would regularly have retired, paragraph (5) shall have effect with the substitution of the word “may” for “must”; and any vacancy not so filled must be filled at the next ordinary election.