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STATUTORY INSTRUMENTS

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**2020 No. 156**

**The Northamptonshire (Structural Changes) Order 2020**

**PART 4**

**ELECTORAL MATTERS**

**Cancellation of elections to the North Northamptonshire and West Northamptonshire Councils**

**19.**—(1) Notwithstanding section 7(8) and (9) of the 1972 Act (elections of councillors)—

- (a) ordinary elections are not to be held in 2020 for the return of councillors to any of the North Northamptonshire councils or the West Northamptonshire councils<sup>(1)</sup>; and
- (b) the term of office of councillors serving as councillors of any of those councils ends on 1st April 2021.

(2) Subject to paragraph (3), nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the office of councillor of any of the North Northamptonshire councils or the West Northamptonshire councils where that vacancy arises after 30th September 2020 and before 1st April 2021.

(3) Where, on the occurrence of a vacancy mentioned in paragraph (2) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of one of the North Northamptonshire councils or one of the West Northamptonshire councils (as the case may be) exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(4) Where, in the circumstances mentioned in paragraph (3), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2021 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006<sup>(2)</sup> shall not be commenced.

**Election of councillors of North Northamptonshire Council and West Northamptonshire Council in 2020 and subsequent years**

**20.**—(1) Whole council elections of councillors of North Northamptonshire Council and West Northamptonshire Council are to be held—

- (a) on the ordinary day of election of councillors in 2020;
  - (b) on the ordinary day of election of councillors in 2025;
  - (c) every fourth year thereafter.
- (2) For the purposes of the elections of councillors of North Northamptonshire Council—

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(1) The Northamptonshire (Changes to Years of Elections) Order 2018 [S.I. 2018/1324](#) changed the year of elections of the districts within Northamptonshire from 2019 to 2020.

(2) [S.I. 2006/3304](#).

- (a) North Northamptonshire is to be divided into wards;
  - (b) the names of the new wards are those indicated in column 1 of the table set out in Part 1 of the Schedule to this Order;
  - (c) the area of each new ward is to be the same as that of the county council electoral division, as that electoral division exists on 31st March 2020, and as indicated in column 2 of that Table;
  - (d) each new ward is to return the number of councillors indicated in column 3 of that Table.
- (3) For the purposes of the elections of councillors of West Northamptonshire Council—
- (a) West Northamptonshire is to be divided into wards;
  - (b) the names of the new wards are those indicated in column 1 of the table set out in Part 2 of the Schedule to this Order;
  - (c) the area of each new ward is to be the same as that of the county council electoral division, as that electoral division exists on 31st March 2020, and as indicated in column 2 of that Table;
  - (d) each new ward is to return the number of councillors indicated in column 3 of that Table.
- (4) At the 2020 elections—
- (a) the returning officer for the election to the North Northamptonshire Council is the police area returning officer for the election of a police and crime commissioner<sup>(3)</sup> for Northamptonshire in 2020 (“the North Northamptonshire Council returning officer”); and
  - (b) the returning officer for the election to the West Northamptonshire Council is the police area returning officer for the election of a police and crime commissioner for Northamptonshire in 2020 (“the West Northamptonshire Council returning officer”).
- (5) The North Northamptonshire Council returning officer and the West Northamptonshire Council returning officer may give local returning officers for any voting area wholly or partly comprised in the county of Northamptonshire—
- (a) directions about the discharge of their functions in relation to the 2020 elections;
  - (b) directions requiring them to take specified steps in preparation for the 2020 elections;
  - (c) directions requiring them to provide the North Northamptonshire Council returning officer or the West Northamptonshire Council returning officer with information that they have or are entitled to have.
- (6) The North Northamptonshire Council returning officer and the West Northamptonshire Council returning officer must take such steps as are necessary or appropriate to prepare for the 2020 elections, including the making of all necessary alterations in the electoral register.
- (7) The total of the expenditure properly incurred by the North Northamptonshire Council returning officer and the West Northamptonshire Council returning officer in relation to the holding of the 2020 elections is to be divided among, and paid by, the county council, the North Northamptonshire councils and the West Northamptonshire councils in such proportion as may be agreed between them; but, where the North Northamptonshire Council returning officer or the West Northamptonshire Council returning officer notifies the Secretary of State that there is not such agreement, the Secretary of State may—
- (a) determine the proportion; or
  - (b) appoint an arbitrator for that purpose.

(3) Police and Crime Commissioner elections are held pursuant to Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011 (c. 13). Police area returning officer is defined in section 54 of that Act.

(8) In relation to the 2020 elections, “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983(4) does not have the meaning given by section 67(7) of that Act but means the North Northamptonshire Council returning officer or the West Northamptonshire Council returning officer.

(9) All councillors elected in 2020 or any later year are to retire on the fourth day after the ordinary day of election of councillors in the year of retirement and the newly-elected councillors are to come into office on the day on which their predecessors retire.

(10) In this article “the year of retirement” —

- (a) in relation to councillors elected in 2020 means 2025;
- (b) in relation to councillors elected in 2025 or in any later year means the fourth year after the year of election of those councillors.

(11) The North Northamptonshire Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for North Northamptonshire, which must be held not later than 14 days after the ordinary day of election of councillors in 2020.

(12) The West Northamptonshire Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for West Northamptonshire, which must be held not later than 14 days after the ordinary day of election of councillors in 2020.

(13) Where, during the shadow period, a casual vacancy occurs in the office of councillor for North Northamptonshire Council or West Northamptonshire Council and an election is required to be held in accordance with section 89 of the 1972 Act —

- (a) the returning officer for an election to North Northamptonshire Council is that council’s head of paid service or (if an appointment has not been made under article 9(2)(a)(iii)) the interim head of paid service of the shadow authority for North Northamptonshire appointed in accordance with article 9(1)(c);
- (b) the returning officer for an election to West Northamptonshire Council is that council’s head of paid service or (if an appointment has not been made under article 9(2)(a)(iii)) the interim head of paid service of the shadow authority for West Northamptonshire appointed in accordance with article 9(1)(c).

(14) In relation to an election held to fill a casual vacancy occurring in the circumstances mentioned in paragraph (13) “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983 does not have the meaning given by section 67(7) of that Act but means—

- (a) in respect of North Northamptonshire Council—
  - (i) the head of paid service of North Northamptonshire Council; or
  - (ii) the interim head of paid service of the shadow authority for North Northamptonshire;
- (b) in respect of West Northamptonshire Council—
  - (i) the head of paid service of West Northamptonshire Council; or
  - (ii) the interim head of paid service of the shadow authority for West Northamptonshire.

(15) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the North Northamptonshire Council for the 2020 election is the North Northamptonshire Council returning officer.

(16) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the West Northamptonshire Council for the 2020 election is the West Northamptonshire Council returning officer.

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(4) 1983 c. 2.

(17) The North Northamptonshire Council returning officer may authorise an officer of the county council or one of the North Northamptonshire councils to discharge the functions of the proper officer mentioned in paragraph 15.

(18) The West Northamptonshire Council returning officer may authorise an officer of the county council or one of the West Northamptonshire councils to discharge the functions of the proper officer mentioned in paragraph 16.

(19) In this article “local returning officer” has the meaning given by section 54(5) of the Police Reform and Social Responsibility Act 2011<sup>(5)</sup>.

### **Cancellation of parish council elections, etc**

**21.** Notwithstanding section 16(3) of the 1972 Act (election of parish councillors)—

- (a) ordinary elections are not to be held in 2021, 2022, 2023, 2026 or in 2027 for the return of councillors to the council of any parish within the non-metropolitan district of North Northamptonshire and the non-metropolitan district of West Northamptonshire;
- (b) the term of office of parish councillors elected at the ordinary elections in 2020 or in any earlier year or at any subsequent by-election held before the ordinary day of election of councillors in 2025 ends on the fourth day after the ordinary day of elections in 2025<sup>(6)</sup>;
- (c) ordinary elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2021, 2022 or 2023 are to be held on the ordinary day of election of councillors in 2025 and every fourth year thereafter;
- (d) the term of office of parish councillors elected at the ordinary elections in 2025 or at any subsequent by-election held before the ordinary day of election of councillors in 2029 ends on the fourth day after the ordinary day of elections in 2029; and
- (e) ordinary elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2026 or 2027 are to be held on the ordinary day of election of councillors in 2029 and every fourth year thereafter.

<sup>(5)</sup> [2011 c. 13](#).

<sup>(6)</sup> Under section 16(3) of the Local Government Act 1972, the term of office of parish councillors is four years and elections of councillors for parish councillors within Northamptonshire were due to be held on the ordinary day of elections in 2019. The Northamptonshire (Changes to Years of Elections) Order 2018 [S.I. 2018/1324](#) changed the year of elections of parish councils within Northamptonshire from 2019 to 2020.