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STATUTORY INSTRUMENTS

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**2020 No. 395**

The Local Government and Police and Crime Commissioner  
(Coronavirus) (Postponement of Elections and  
Referendums) (England and Wales) Regulations 2020

PART 4

Supplementary provisions

**Supplementary provision: terms of office of councillors**

14.—(1) This regulation applies if—

- (a) pursuant to an order or resolution made under any of the relevant provisions a poll for the ordinary election of councillors is to be held on the ordinary day of election in 2020; and
- (b) pursuant to section 60 of the 2020 Act the poll is instead to be held on the ordinary day of election in 2021.

(2) Where this regulation applies—

- (a) a councillor who would otherwise, pursuant to the relevant order or resolution, retire on the fourth day after the ordinary day of election in 2020 is instead to retire on the fourth day after the ordinary day of election in 2021; and
- (b) a councillor elected on the ordinary day of election in 2021 is to retire on the day specified in the relevant order, or pursuant to the relevant order or resolution, and not on the fourth day after the ordinary day of election in 2024 (unless that is the day of retirement of the councillor pursuant to the order or resolution).

(3) In this regulation “the relevant provisions” means—

- (a) section 17 of the 1992 Act;
- (b) sections 7 (implementation of proposals by order), 10 (implementation of recommendations by order), 32 (resolution for whole-council elections) and 53 (power of council to alter years of ordinary elections of parish councillors) of the 2007 Act; and
- (c) section 59 of the 2009 Act (implementation of review recommendations).

**Disapplication of certain provisions relating to elections**

15.—(1) This regulation applies in relation to the poll for a relevant election or relevant referendum if the poll—

- (a) is required to be held on a day falling within the period beginning with 25th April 2020 and ending with 5th May 2021, but
- (b) pursuant to section 60 of the 2020 Act or these Regulations, is not held in that period.

(2) Section 39 of the Representation of the People Act 1983 (local elections void, etc)(1) does not apply, and is treated as never having applied, in relation to the poll.

(3) Section 63 of that Act (breach of official duty)(2) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.

(4) In relation to a poll for the election of a police and crime commissioner, article 19 of the Police and Crime Commissioner Elections Order 2012 (breach of official duty)(3) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.

(5) In determining for the purposes of this regulation whether a poll has been held, postal votes are to be ignored.

(6) In this regulation—

“local government area” has the same meaning as in section 203(1) of the Representation of the People Act 1983;

“relevant election” means—

- (a) an election of a councillor for any local government area in England to fill a casual vacancy;
- (b) an election to fill a casual vacancy in respect of a constituency member of the Greater London Assembly;
- (c) an election to fill a vacancy in the office of Mayor of London;
- (d) an election to fill a casual vacancy in the office of an elected mayor under Part 1A of the 2000 Act;
- (e) an election to fill a vacancy in the office of mayor for the area of a combined authority under Part 6 of the 2009 Act;
- (f) an election to fill a vacancy in the office of a police and crime commissioner for a police area; and

“relevant referendum” means—

- (a) a referendum under section 9MB of the 2000 Act (requirement to hold and give effect to referendum);
- (b) a referendum by virtue of section 9MC of the 2000 Act (referendums following petition);
- (c) a referendum under section 52ZG or 52ZN of the Local Government Finance Act 1992 (referendums in relation to council tax)(4);
- (d) a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (process for making neighbourhood development orders)(5).

(1) 1983 c. 2. Section 39 has been amended by section 19 of the Representation of the People Act 1985 (c. 50) and by section 17 of, and Schedule 3 to, the Greater London Authority Act 1999,

(2) section 63 was substituted by section 24 of, and Schedule 4 to, the Representation of the People Act 1985.

(3) S.I. 2012/1917.

(4) 1992 c. 14. Sections 52ZG and 52ZN were inserted by section 72(1) of, and Schedule 5 to, the Localism Act 2011 (c. 20).

(5) 1990 c. 8. Schedule 4B was inserted by section 116(2) of, and Schedule 10 to, the Localism Act 2011.