
STATUTORY INSTRUMENTS

2022 No. 331

The Cumbria (Structural Changes) Order 2022

PART 4

ELECTORAL MATTERS

Cancellation of elections to the county of Cumbria, Cumberland and Westmorland and Furness Councils

- 20.**—(1) Notwithstanding section 7(8) and (9) of the 1972 Act (elections of councillors)—
- (a) ordinary elections are not to be held in 2022 for the return of councillors to the county of Cumbria, any of the Cumberland councils or the Westmorland and Furness councils;
 - (b) the term of office of councillors serving as councillors of any of those councils ends on 1st April 2023;
 - (c) ordinary elections are not to be held in 2023 for the office of the elected mayor of Copeland; and
 - (d) the term of office of the elected mayor of Copeland ends on 1st April 2023.

(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 Cumberland councils or the Westmorland and Furness councils where that vacancy arises after 30th September 2022 and before 1st April 2023.

(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 Cumberland councils or one of the Westmorland and Furness 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 2023 (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(1) shall not be commenced.

Election of councillors of Cumberland Council and Westmorland and Furness Council in 2022 and subsequent years

- 21.**—(1) Whole council elections of councillors of Cumberland Council and Westmorland and Furness Council are to be held—
- (a) on the ordinary day of election of councillors in 2022;
 - (b) on the ordinary day of election of councillors in 2027;
 - (c) every fourth year thereafter.

- (2) For the purposes of the elections of councillors of Cumberland Council—
- (a) Cumberland 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 2022, 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 Westmorland and Furness Council—
- (a) Westmorland and Furness 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 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) For the 2022 elections—
- (a) the returning officer for Cumberland is the head of paid service of Allerdale Borough Council (“the Cumberland Council returning officer”); and
 - (b) the returning officer for Westmorland and Furness is the head of paid service of Barrow-in-Furness Borough Council (“the Westmorland and Furness Council returning officer”).
- (5) The Cumberland Council returning officer and the Westmorland and Furness Council returning officer must take such steps as are necessary or appropriate to prepare for the 2022 elections.
- (6) The total of the expenditure properly incurred by the Cumberland Council returning officer and the Westmorland and Furness Council returning officer in relation to the holding of the 2022 elections is to be divided among, and paid by, the county council, the Cumberland councils and the Westmorland and Furness councils in such proportion as may be agreed between them; but, where the Cumberland Council returning officer or the Westmorland and Furness 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.
- (7) In relation to the 2022 elections, “the appropriate officer” in Parts 1 and 2 of the Representation of the People Act 1983(2) does not have the meaning given by section 67(7) of that Act but means the Cumberland Council returning officer or the Westmorland and Furness Council returning officer.
- (8) All councillors elected in 2022 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.
- (9) In this article “the year of retirement”—
- (a) in relation to councillors elected in 2022 means 2027;
 - (b) in relation to councillors elected in 2027 or in any later year means the fourth year after the year of election of those councillors.
- (10) The Cumberland Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for Cumberland, which must be held not later than 14 days after the ordinary day of election of councillors in 2022.

(11) The Westmorland and Furness Council returning officer must convene, and make all necessary arrangements for, the first meeting of the shadow authority for Westmorland and Furness, which must be held not later than 14 days after the ordinary day of election of councillors in 2022.

(12) Where, during the shadow period, a casual vacancy occurs in the office of councillor for Cumberland Council or Westmorland and Furness 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 Cumberland Council is that council’s head of paid service or (if an appointment has not been made under article 9(3)(a)(iii)) the interim head of paid service of the shadow authority for Cumberland appointed in accordance with article 9(1)(c);
- (b) the returning officer for an election to Westmorland and Furness Council is that council’s head of paid service or (if an appointment has not been made under article 9(3)(b)(iii)) the interim head of paid service of the shadow authority for Westmorland and Furness appointed in accordance with article 9(1)(c).

(13) In relation to an election held to fill a casual vacancy occurring in the circumstances mentioned in paragraph (12) “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 Cumberland Council—
 - (i) the head of paid service of Cumberland Council; or
 - (ii) the interim head of paid service of the shadow authority for Cumberland;
- (b) in respect of Westmorland and Furness Council—
 - (i) the head of paid service of Westmorland and Furness Council; or
 - (ii) the interim head of paid service of the shadow authority for Westmorland and Furness.

(14) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the Cumberland Council for the 2022 election is the Cumberland Council returning officer.

(15) For the purposes of section 83(1) to (3) of the 1972 Act (declaration of acceptance of office), the proper officer of the Westmorland and Furness Council for the 2022 election is the Westmorland and Furness Council returning officer.

(16) The Cumberland Council returning officer may authorise an officer of the county council or one of the Cumberland councils to discharge the functions of the proper officer mentioned in paragraph (14).

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