



Representation of the People Act 1985

1985 CHAPTER 50

Miscellaneous and supplemental

21 Ordinary elections of parish and community councillors: insufficient nominations.

- (1) This section applies where, at an ordinary election of parish or community councillors in England and Wales, an insufficient number of persons are or remain validly nominated to fill the vacancies in respect of which the election is held.
- (2) Unless the number of newly elected members of the council in question is less than the number that constitutes a quorum for meetings of the council—
 - (a) those members may co-opt any person or persons to fill the vacancy or vacancies remaining unfilled,
 - (b) the district council [^{F1}or, in the case of a community council, the county council or county borough council] may exercise the powers conferred by section 39(4) of the principal Act (power ^{F2}. . . by order to do anything necessary for the proper holding of an election etc.) in relation to any such vacancy or vacancies as are not so filled, and
 - (c) section 39(1) of that Act (duty of returning officer to order an election) shall not apply;

but the powers mentioned in paragraph (b) above shall not be exercised before the expiry of the period of 35 days (computed according to section 40 of that Act) beginning with the day on which the election was held.

- (3) Subsection (7) of section 39 of that Act (parishes in different districts grouped) shall apply for the purposes of subsection (2) above as it applies for the purposes of subsections (4) and (6) of that section and section 40(3) of that Act (computation of time) shall apply for the purposes of subsection (2) above as it applies for the purposes of section 39.

Changes to legislation: Representation of the People Act 1985, Section 21 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Words in s. 21(2)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 74(2)(a)** (with s. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F2** Words in s. 21(2)(b) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 74(1), **Sch. 18** (with s. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2); S.I. 1996/396, art. 4, **Sch. 2**
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Modifications etc. (not altering text)

- C1** **S. 21:** functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** Table D12

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(d)(e) inserted by [2012 c. 11 s. 2\(2\)\(b\)](#)
- s. 15(3ZA) inserted by [2012 c. 11 s. 2\(4\)](#)