



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Postponement of elections, referendums, recall petitions and canvass

59 Elections and referendums due to be held in England in period after 15 March 2020

- (1) This section applies 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 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but
 - (b) is not held in that period.
- (2) Section 39 of the 1983 Act (local elections void etc) 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) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.
- (4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.
- (5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 61 (power to postpone).
- (6) In this section—
 - “the 1983 Act” means the Representation of the People Act 1983;
 - “local government area” has the same meaning as in the 1983 Act (see section 203(1) of that Act);

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“relevant election” means an election of a councillor for any local government area in England to fill a casual vacancy;

“relevant referendum” means a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).

60 Postponement of elections due to be held on 7 May 2020

Local government

- (1) The poll for the ordinary election of councillors for any local government area in England that would otherwise be held on the ordinary day of election in 2020 is to be held instead on the ordinary day of election in 2021.
- (2) A councillor who would otherwise, pursuant to section 7 or 16 of the Local Government Act 1972 (elections of councillors), 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 the councillor's term of office is extended accordingly.
- (3) A councillor who—
 - (a) is returned at an election the poll for which is held on the ordinary day of election in 2021, and
 - (b) fills a vacancy arising as a result of the expiry of a term of office extended under subsection (2),
 is (notwithstanding section 7 or 16 of the Local Government Act 1972) to retire on the fourth day after the ordinary day of election in 2024; and the councillor's term of office is reduced accordingly.
- (4) In determining under section 7(3) or (9)(c) of the Local Government Act 1972 which councillors are to retire in accordance with that provision on the fourth day after the ordinary day of election in 2021, councillors who retire in accordance with subsection (2) of this section are to be ignored.
- (5) In subsections (1) to (4)—
 - (a) “local government area” has the same meaning as in the Representation of the People Act 1983 (see section 203(1) of that Act);
 - (b) a reference to the ordinary day of election in a year is to the ordinary day of election of councillors in that year determined under section 37 of that Act (ordinary day of local elections in England).

The Mayor of London and the London Assembly

- (6) The poll for the ordinary election that would otherwise, pursuant to section 3(2) of the Greater London Authority Act 1999 (time of ordinary election for the Mayor of London and the London Assembly), be held on 7 May 2020 is to be held instead on 6 May 2021.
- (7) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

Elected mayors of local authorities

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- (8) The poll for the election of any elected mayor that would otherwise, pursuant to regulations under section 9HB of the Local Government Act 2000 (time of elections etc), be held on 7 May 2020 is to be held instead on 6 May 2021.
- (9) The postponement under subsection (8) of an election is to be ignored in determining the years in which subsequent elections of elected mayors are to be held.

Elected mayors of combined authorities

- (10) The poll for the election of any mayor that would otherwise, pursuant to an order under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, be held on 7 May 2020 is to be held instead on 6 May 2021.
- (11) The postponement under subsection (10) of an election is to be ignored in determining the years in which subsequent elections of mayors are to be held.

Police and crime commissioners

- (12) The ordinary election that would otherwise, pursuant to section 50(1) of the Police Reform and Social Responsibility Act 2011 (ordinary election of police and crime commissioners), be held in 2020 is to be held instead in 2021.
- (13) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

61 Power to postpone certain other elections and referendums

- (1) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, provide—
 - (a) that the poll for a relevant election or a relevant referendum is to be held on such date, or within such period, as is specified in the regulations;
 - (b) that polls for relevant elections or relevant referendums that would otherwise be required to be held on dates that fall within a period specified in the regulations are instead to be held on such later date, or within such period, as is specified in the regulations.
- (2) For the purposes of this section an election or referendum is “relevant” if—
 - (a) the date of the poll for the election or the referendum falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
 - (b) subsection (3) or (4) applies to it.
- (3) This subsection applies to—
 - (a) an election of a councillor for any local government area in England to fill a casual vacancy;
 - (b) a local election in Northern Ireland to fill a casual vacancy;
 - (c) an election to fill a casual vacancy in respect of a constituency member of the Greater London Assembly;
 - (d) an election to fill a vacancy in the office of the Mayor of London;
 - (e) an election to fill a casual vacancy in the office of an elected mayor under Part 1A of the Local Government Act 2000;
 - (f) an election to fill a vacancy in the office of a mayor for the area of a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;

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- (g) an election to fill a vacancy in the office of a police and crime commissioner for a police area.
- (4) This subsection applies to—
- (a) a poll under section 116 of the Local Government Act 2003 (local polls);
 - (b) a referendum under section 9MB of the Local Government Act 2000 (referendums on governance arrangements);
 - (c) a referendum by virtue of section 9MC of the Local Government Act 2000 (referendums following petition);
 - (d) a referendum under section 52ZG or 52ZN of the Local Government Finance Act 1992 (referendums in relation to council tax);
 - (e) a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).
- (5) Regulations under subsection (1) must not specify—
- (a) a date later than 6 May 2021, or
 - (b) a period ending later than 6 May 2021.
- (6) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election or relevant referendum.
- (7) Regulations under subsection (1) may make provision by reference to relevant elections or relevant referendums of a description specified in the regulations (for example, by reference to the nature, date or location of the elections or referendums).
- (8) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.
- In this subsection “enactment” has the same meaning as in section 92.
- (9) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
- “local election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act);
 - “local government area” has the same meaning as in the Representation of the People Act 1983 (see section 203(1) of that Act).

62 Power to postpone a recall petition under the Recall of MPs Act 2015

- (1) In relation to a Speaker's notice received by a petition officer in the period beginning with the day on which this Act is passed and ending with 21 April 2021, section 7 of the 2015 Act (where and from when a recall petition may be signed) has effect as if for subsection (4) there were substituted—
- “(4) The petition officer must designate under subsection (1)(b)—
 - (a) a working day that falls no later than 6 May 2021, or
 - (b) if it is not reasonably practicable to designate such a day, the first subsequent working day that it is reasonably practicable to designate.”
- (2) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, provide that the designated day for a relevant recall petition is postponed until a date specified in the regulations.

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- (3) For the purposes of this section a recall petition is “relevant” if the day designated in relation to it under section 7(1)(b) of the 2015 Act (date from which petition may be signed) falls within the period beginning with the day on which this Act is passed and ending with 5 May 2021.
- (4) The date specified in regulations under subsection (2) must be no later than 6 May 2021.
- (5) The power to make regulations under subsection (2) may be exercised more than once in respect of any relevant recall petition.
- (6) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
 - “the 2015 Act” means the Recall of MPs Act 2015;
 - “the designated day” has the same meaning as in the 2015 Act (see section 7(5) of that Act);
 - “petition officer” has the same meaning as in the 2015 Act (see section 6(2) of that Act);
 - “recall petition” has the same meaning as in the 2015 Act (see section 1(2) of that Act);
 - “Speaker's notice” has the same meaning as in the 2015 Act (see section 5(7) of that Act).

63 Power to make supplementary etc provision

- (1) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, make consequential, supplementary, incidental, transitional or saving provision in connection with sections 60 to 62 or regulations made under them.
- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) acts or omissions in connection with an election, referendum or recall petition prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);
 - (b) things that have yet to be done in connection with an election, referendum or recall petition prior to its postponement;
 - (c) the conduct of elections, referendums or recall petitions that have been postponed or steps to be taken in respect of such elections, referendums or recall petitions;
 - (d) the manner of voting in elections or referendums, or of signing of recall petitions, that have been postponed;
 - (e) the terms of office of incumbent office-holders or those elected at a postponed election;
 - (f) the nomination of candidates;
 - (g) expenses incurred in relation to elections or referendums by persons other than local authorities (including the expenses of candidates);
 - (h) compensation for local authorities or candidates incurring additional expenditure as a result of this Act;
 - (i) the membership or governance arrangements of a local authority in relation to which an order has been made under section 7 of the Local Government

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and Public Involvement in Health Act 2007 (implementation of structural changes proposals), the membership or governance arrangements of any shadow authority established under such an order, or any other matter dealt with in such an order.

- (3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.
- (4) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.

In this subsection “enactment” has the same meaning as in section 92.

- (5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

64 Northern Ireland: timing of canvass and Assembly by-elections

- (1) Section 10ZA of the Representation of the People Act 1983 (Northern Ireland: timing of the canvass) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1)—
 - (a) after paragraph (a) insert—
 - “(aa) the year 2021;
 - (ab) the year 2030;”;
 - (b) in paragraph (b), for “2010” substitute “ 2030 ”.
- (3) In subsection (4)—
 - (a) omit paragraph (b) (including the “and” at the end);
 - (b) after paragraph (c) insert—
 - “(d) 2021,
 - (e) 2030, and
 - (f) every tenth year following 2030.”
- (4) Subsection (5) applies if, at any time during the relevant period, Article 7(2) of the 2001 Order requires the Chief Electoral Officer for Northern Ireland to set a date as the date of the poll for an Assembly by-election.
- (5) Before setting the date, the Chief Electoral Officer must consult the Secretary of State.
- (6) In subsection (4)—
 - “the relevant period” means the period beginning with the date on which this Act is passed and ending with 1 February 2021;
 - “the 2001 Order” means the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).

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