

SCHEDULE 2

Article 9

Amendments to other Acts

The Local Government Act 1972

1. In section 73(2) of the Local Government Act 1972⁽¹⁾ (“the 1972 Act”) (alteration of local boundaries consequent on alteration of water-course) for “Local Government Commission for England” substitute “Electoral Commission”.

2.—(1) Schedule 11 to the 1972 Act is amended as follows.

(2) In paragraph 1(1), omit the words “the Secretary of State or”.

(3) In paragraph 3(1), omit the words “the Secretary of State or”.

(4) In paragraph 4(1), omit the words “by the Secretary of State,”.

The Local Government and Rating Act 1997

3.—(1) Section 9 of the Local Government and Rating Act 1997 (reviews of parishes by local authorities) (“the 1997 Act”)⁽²⁾ is amended as follows.

(2) In subsection (3), omit the words from “and” to the end.

(3) After subsection (3) insert—

“(3A) Where the council make recommendations under subsection (3) they must also make proposals to the Electoral Commission for the electoral arrangements for the new parish council.”

(4) In subsection (4), insert after “mentioned in subsection (3),” “or make the proposals mentioned in subsection (3A),”.

(5) In subsection (5), for the words “include recommendations” substitute “make proposals to the Electoral Commission”.

(6) In subsection (6), for the words “include a recommendation” substitute “make proposals to the Electoral Commission”.

4.—(1) Section 10 of the 1997 Act (procedure on a review) is amended as follows.

(2) In subsection (3)—

(a) after the words “the Secretary of State” insert “or proposals to the Electoral Commission”; and

(b) in paragraphs (a) and (b) insert after “recommendations” “or proposals”.

(3) In subsection (4)—

(a) insert after “recommendations” each time it appears “or proposals”; and

(b) insert after “Secretary of State” “and the Electoral Commission”.

5. In section 11(5) of the 1997 Act (petitions for new parishes), omit “,13”.

6.—(1) Section 12 of the 1997 Act (views of local authority about the petition) is amended as follows.

(2) In subsection (2)—

(1) 1972 c. 70.

(2) 1997 c. 29.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) insert after “inform” “the Electoral Commission and”; and
 - (b) for “him” substitute “the Secretary of State”.
- (3) In subsection (4)—
- (a) for the words from “recommendations” to “Secretary of State” the second time it appears substitute “proposals to the Electoral Commission about those matters, they must send them to the Electoral Commission”; and
 - (b) in paragraphs (a) and (b) for “recommendations” substitute “proposals”.
- (4) In subsection (6)—
- (a) for the words “recommendations to the Secretary of State” substitute “proposals to the Electoral Commission”; and
 - (b) for the word “him” substitute “the Commission”.
- (5) In subsection (7)—
- (a) for “recommendations” substitute “proposals”; and
 - (b) for “Secretary of State” substitute “Electoral Commission”.
7. For section 13 of the 1997 Act (consultation with Local Government Commission) substitute—

“13 Consideration by Electoral Commission

(1) Where the Electoral Commission are sent any proposals under section 9 or 12, or the Secretary of State requests the Commission to advise him on any recommendations made to him under either of those sections, the Commission may direct the Boundary Committee for England to carry out a review of the proposals or recommendations either—

- (a) in accordance with the procedure prescribed in section 15 of the Local Government Act 1992 (procedure on a review); or
- (b) if they consider it more appropriate in the circumstances, in accordance with the procedure prescribed in section 15A of that Act (alternative procedure on a review),

and to make recommendations to the Commission.

(2) The Electoral Commission may advise the Secretary of State to give effect to any recommendations made to him subject to such changes as appear to them to be appropriate.

(3) The Electoral Commission may give a direction to the Boundary Committee for England about the exercise of a function under this section.

(4) A direction may, in particular, require the Boundary Committee for England to have regard to—

- (a) any guidance given by the Electoral Commission;
- (b) guidance given by the Secretary of State as to matters to be taken into account in relation to boundary changes or the constitution of a new parish.”

8.—(1) Section 14 of the 1997 Act (implementation by Secretary of State) is amended as follows.

(2) In subsection (1)—

- (a) in paragraph (a) omit the words from “(together” to “England)”; and
- (b) in paragraph (b), omit the words from “(together” to “petition)”.

(3) After subsection (1) insert—

“(1A) The Electoral Commission may by order give effect to any proposals sent to them under section 9 or 12 subject to—

- (a) any recommendations made to them on those proposals by the Boundary Committee for England; and
- (b) any modifications to those recommendations agreed with that Committee.”

(4) In subsection (2), for “this section” substitute “subsection (1A)”.

(5) Omit subsection (3).

(6) For subsection (5) substitute—

“(5) The Electoral Commission may give effect to proposals sent to them under section 12 whether or not the proposals are sent within the period mentioned in section 12(7).

(6) The Secretary of State may give effect to a petition in accordance with subsection (1)

(b) whether or not it is sent to him within the period mentioned in section 11(4).”

9. In section 17 of the 1997 Act (electoral arrangements), substitute for the words “Secretary of State has” in paragraph (b) of subsection (4) the words “Electoral Commission have”.

10. In section 18(1) of the 1997 Act (considerations in deciding about electoral arrangements)—

- (a) omit the words “the Secretary of State,”; and
- (b) for “the Local Government Commission for England” substitute “the Electoral Commission”.

11.—(1) Section 22 of the 1997 Act (exercise of functions) is amended as follows.

(2) In subsection (1), insert at the end “or by the Electoral Commission”.

(3) In subsection (2), for “Local Government Commission for England” substitute “Electoral Commission”.

(4) Omit subsections (3) and (4).

12.—(1) Section 23 of the 1997 Act (orders and regulations under Part II) is amended as follows.

(2) In subsection (1) insert after “regulations” “or power of the Electoral Commission to make an order under section 14(1A)”.

(3) In subsection (8) insert at the end “and to the Electoral Commission”.

The Greater London Authority Act 1999

13. In section 2(4) of the Greater London Authority Act 1999 (membership of the Authority and the Assembly) (“the 1999 Act”)(3), for “the Secretary of State” substitute “statutory instrument by the Electoral Commission”.

14.—(1) Schedule 1 to the 1999 Act (Assembly constituencies and orders under section 2(4)) is amended as follows.

(2) In paragraph 1 (Changes to Assembly Constituencies)—

(a) In sub-paragraph (1)—

(i) in paragraph (a) for “review” substitute “request”; and

(ii) for “Local Government Commission for England (“the Commission”) recommends” substitute “Electoral Commission recommend”;

(b) for sub-paragraph (3) substitute—

(3) 1999 c. 29.

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- “(3) Where this paragraph applies, the Electoral Commission shall direct the Boundary Committee for England (“the Committee”) to conduct a review in accordance with Part II of the 1992 Act and to submit to the Electoral Commission the reports required under sub-paragraph (4) or (5) below;”
- (c) in sub-paragraph (4)—
- (i) for “Commission” each time it appears substitute “Committee”;
 - (ii) for “is” the first time it appears substitute “are”; and
 - (iii) for “Secretary of State” substitute “Electoral Commission”;
- (d) in sub-paragraph (5) for “Commission is” substitute “Committee are”; and
- (e) after sub-paragraph (5) insert—
- “(5A) The Electoral Commission may direct the Committee to reconsider the recommendation made under sub-paragraph (4)”; and
- (f) omit sub-paragraphs (6) and (7).
- (3) In paragraph 2 (Comprehensive review of Assembly constituencies)—
- (a) in sub-paragraph (1)—
- (i) for “Secretary of State” each time it appears substitute “Electoral Commission”;
 - (ii) for “directs” substitute “direct”;
 - (iii) for “Commission” substitute “Committee”; and
 - (iv) for “it recommends” each time it appears substitute “they recommend”.
- (b) in sub-paragraph (2), for “Commission” substitute “Committee”.
- (4) In paragraph 3 (preparation and submission of report)—
- (a) in sub-paragraph (2)—
- (i) for “the Commission shall take such steps as it considers” substitute “the Committee shall take such steps as they consider” and
 - (ii) in paragraph (a), for “Commission” substitute “Committee”.
- (b) in sub-paragraph (3)—
- (i) for “its report, the Commission” substitute “their report, the Committee”;
 - (ii) in paragraph (a), for “made to it” substitute “made to them”;
 - (iii) in paragraph (b), for “it considers” substitute “they consider”; and
 - (iv) in paragraph (d), for “Commission” substitute “Committee”.
- (c) in sub-paragraph (4)—
- (i) for “Commission is” substitute “Committee are”;
 - (ii) for “its report” substitute “their report”;
 - (iii) for “Secretary of State” substitute “Electoral Commission”;
 - (iv) for “it shall” substitute “they shall”;
 - (v) in paragraph (a), for “him” substitute “them”;
 - (vi) in paragraph (b), for “it considers” substitute “they consider”.
- (5) In paragraph 4 (further report)—
- (a) in sub-paragraph (1)—
- (i) for “Secretary of State” substitute “Electoral Commission”;
 - (ii) for “he may, if he thinks fit” substitute “they may, if they think fit”; and

- (iii) for “Commission” substitute “Committee”.
 - (b) in sub-paragraph (3), for “Commission” substitute “Committee”.
- (6) In paragraph 5 (Directions)—
 - (a) for “Secretary of State” each time it appears substitute “Electoral Commission”;
 - (b) for “Commission” each time it appears substitute “Committee”; and
 - (c) for “its functions” substitute “their functions”.
- (7) Omit paragraph 6.
- (8) In paragraph 8 (orders under section 2(4))—
 - (a) for sub-paragraph (1) substitute—
 - “(1) Subject to paragraph (1A) an order under section 2(4) of this Act may give effect, with or without modifications to all or any of the recommendations made to the Electoral Commission under—
 - (a) paragraph 1(4) or (5A) above;
 - (b) paragraph 2(1) above; or
 - (c) paragraph 4(1)(b) above.
 - (1A) No modifications may be made to any recommendations contained in a report unless they have been agreed with the Committee.”; and
 - (b) in sub-paragraph (3)—
 - (i) for “Secretary of State” substitute “Electoral Commission”;
 - (ii) for “Commission” substitute “Committee”; and
 - (iii) for “him” substitute “them”.
- (9) In paragraph 9—
 - (a) for “Secretary of State is” substitute “Electoral Commission are”;
 - (b) for “he may by order” substitute “they may by order made by statutory instrument”; and
 - (c) for “he thinks” substitute “they think”.