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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 2**

Postponement of by-elections

**By-elections of councillors of principal areas**

5.—(1) The poll for the election of a councillor to fill a casual vacancy in the office of councillor for any principal area in England that, pursuant to section 89(1) of the 1972 Act (filling of casual vacancies in case of councillors), would otherwise be held, or have been held, on a day during the relevant period is to be held instead on the ordinary day of election in 2021.

- (2) If a casual vacancy referred to in paragraph (1) relates to the office of a councillor who—
- (a) pursuant to section 7 of the 1972 Act (election of councillors), would regularly have retired on the fourth day after the ordinary day of election in 2021, or
  - (b) is to retire on that day pursuant to any of the relevant provisions,

the vacancy in the office of councillor is to be filled at the poll at the ordinary election in 2021 and a poll is not to be held to fill the casual vacancy.

(3) In so far as section 89(3) of the 1972 Act applies to a vacancy referred to in paragraph (1) during the relevant period, that section is to be read as if for the words from “unless” to “not held” there were substituted “ and ”.

(4) Paragraph (1) does not apply in relation to a poll for the election of a councillor that has been held, pursuant to section 89(1) of the 1972 Act, on a day during the antecedent period.

- (5) In this regulation—

“principal area” has the same meaning as in section 270 of the 1972 Act (general provisions as to interpretation) and includes the area of the Council of the Isles of Scilly;

“the relevant provisions” means—

- (a) section 17 of the 1992 Act (implementation of recommendations by order) <sup>M1</sup>;
- (b) sections 7 (implementation of proposals by order), 10 (implementation of recommendations by order) and 32 (resolution for whole-council elections) of the 2007 Act;
- (c) section 59 of the 2009 Act (implementation of review recommendations); and
- (d) section 60(2) of the 2020 Act (postponement of elections due to be held on 7 May 2020).

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**Changes to legislation:** There are currently no known outstanding effects for the *The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, Section 5.* (See end of Document for details)

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**Modifications etc. (not altering text)**

- C1** Reg. 5 applied (with modifications) (18.3.2021) by [The Somerset \(Change to Year of Election\) Order 2021 \(S.I. 2021/176\)](#), arts. 1, 5
- C2** Reg. 5 applied (with modifications) (18.3.2021) by [The North Yorkshire \(Changes to Years of Elections\) Order 2021 \(S.I. 2021/175\)](#), arts. 1, 5
- C3** Reg. 5 applied (with modifications) (18.3.2021) by [The Cumbria \(Changes to Years of Elections\) Order 2021 \(S.I. 2021/174\)](#), arts. 1, 5

**Commencement Information**

- I1** Reg. 5 in force at 7.4.2020, see [reg. 1](#)

**Marginal Citations**

- M1** [Section 17](#) was repealed by Part 3 of Schedule 7 to the [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#) but the effect of orders made under that section has been saved by section 146(2) of that Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, Section 5.