

2021 No. 176

LOCAL GOVERNMENT, ENGLAND

The Somerset (Change to Year of Election) Order 2021

Made - - - - 22nd February 2021

Laid before Parliament 24th February 2021

Coming into force - - 18th March 2021

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87 and 105 of the Local Government Act 2000(a)(“the 2000 Act”).

Citation and commencement

1. This Order may be cited as the Somerset (Change to Year of Election) Order 2021 and comes into force on 18th March 2021.

Specified authority

2. Somerset County Council is specified under section 87 of the 2000 Act for the purposes of this Order.

Change to year of election

3. The ordinary election of councillors of Somerset County Council that would, but for this Order, have taken place on the ordinary day of election of councillors(b) in 2021 shall instead take place on the ordinary day of election of councillors in 2022.

Retirement of councillors

4. Any councillor of Somerset County Council holding office immediately before the fourth day after the ordinary day of election of councillors in 2021 who would, but for this Order, have retired on that date shall, unless the councillor resigns or the office of councillor otherwise becomes vacant, retire instead on the fourth day after the ordinary day of election of councillors in 2022.

(a) 2000 c. 22.

(b) For the definition of ordinary day of election of councillors of local government areas in England, see section 37 of the Representation of the People Act 1983 (c. 2), as amended by section 18(2) of the Representation of the People Act 1985 (c. 50), paragraphs 1 and 5 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), section 60(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28), section 6(16)(a) of the Wales Act 2017 (c. 4) and S.I. 2018/1310.

Consequential provision: by-elections of councillors

5. Regulation 5 of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020(a) applies in relation to Somerset County Council as if paragraph (2) were omitted.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Luke Hall
Minister of State

22nd February 2021

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order changes the year of the ordinary election of councillors of Somerset County Council.

Article 3 provides that the ordinary election of councillors for Somerset County Council, which would have taken place in 2021 will instead take place in 2022. The years in which subsequent ordinary elections of councillors take place are not changed by this Order.

Article 4 provides that councillors, who would have retired in 2021, will instead retire in 2022.

Article 5 makes consequential provision, modifying the application of the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 (S.I. 2020/395). The modification allows by-elections to Somerset County Council which have been postponed to the ordinary day of election of councillors in 2021 to take place on that day.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector. The impact on the public sector is potentially positive as, if a decision is subsequently made to abolish Somerset County Council, it will save the costs of holding elections for new councillors who could be members of the council for short terms, before it is dissolved.

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(a) S.I. 2020/395. Regulation 5 postpones to the 6th May 2021 any by-elections which would be held to fill casual vacancies in the office of councillor in any county, district or London Borough Council in England. Regulation 5(2) provides that, where the by-election is in respect of a vacancy for a councillor who would have ordinarily retired in May 2021, no separate poll is to be held but the vacancy is to be filled at the ordinary election.

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