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STATUTORY INSTRUMENTS

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**2022 No. 329**

**The Somerset (Structural Changes) Order 2022**

**PART 5**

**ELECTORAL MATTERS**

**The Somerset Council election in 2022 and subsequent years**

**13.**—(1) A whole council election of councillors of the Somerset Council is to be held—

- (a) on the 2022 election day<sup>(1)</sup>;
- (b) on the ordinary day of election of councillors<sup>(2)</sup> in 2027;
- (c) every fourth year thereafter.

(2) For the purposes of the elections of councillors of the Somerset Council—

- (a) Somerset is to be divided into electoral divisions;
- (b) the names of the electoral divisions are those indicated in column 1 of the Table set out in the Schedule to this Order;
- (c) the area of each new electoral division is to be the same as that of the county council electoral division or district council wards, as that electoral division or wards existed on 31st March 2022, and as indicated in column 2 of that Table;
- (d) each new electoral division is to return the number of councillors indicated in column 3 of that Table.

(3) The person who is for the time being the returning officer for Somerset<sup>(3)</sup> must take such steps as are necessary or appropriate to prepare for the 2022 election, including the making of all necessary alterations to the electoral register.

(4) All councillors elected in 2022 or any later year are to retire on the fourth day after the ordinary day of election of councillors in the year of retirement and the newly-elected councillors are to come into office on the day on which their predecessors retire.

(5) In this article “the year of retirement” —

- (a) in relation to councillors elected in 2022 means 2027;
- (b) in relation to councillors elected in 2027 or in any later year means the fourth year after the year of election of those councillors.

**District council by-elections**

**14.**—(1) Subject to paragraph (2), nothing in section 89 of the 1972 Act (filling of casual vacancies in case of councillors) authorises the holding of an election to fill a casual vacancy in the

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(1) The Somerset (Change to Year of Elections) Order 2021 (S.I. 2021/176) changed the year of election of Somerset County Council from 2021 to 2022.

(2) See section 37 of the Representation of the People Act 1983 (c. 2).

(3) See section 35 of the Representation of the People Act 1983 (c. 2).

office of councillor of any of the district councils where that vacancy arises after 30th September 2022 and before 1st April 2023.

(2) Where, on the occurrence of a vacancy mentioned in paragraph (1) or in the case of a number of simultaneous vacancies, the total number of unfilled vacancies in the membership of one of the district councils exceeds one third of the whole number of members of that council an election to fill the vacancy shall be held in accordance with section 89 of the 1972 Act.

(3) Where, in the circumstances mentioned in paragraph (2), the declaration mentioned in section 89(1)(a) of the 1972 Act has been made or the notice in writing mentioned in section 89(1)(b) of the 1972 Act has been given within thirty-five days of 1st April 2023 (computed in accordance with section 243(4) of the 1972 Act) an election shall not be held and any proceedings required by the Local Elections (Principal Areas) (England and Wales) Rules 2006(4) shall not be commenced.

### **Cancellation of parish council elections, etc**

**15.—**(1) Notwithstanding section 16(3) of the 1972 Act (election of parish councillors)—

- (a) ordinary elections are not to be held in 2023 for the return of councillors to the council of any parish in Somerset;
- (b) elections of parish councillors for those parishes in which, but for paragraph (a), elections would have been held in 2023 are to be held on the ordinary day of elections in 2022 and 2027 and every four years thereafter; and
- (c) the term of office of those parish councillors elected in 2022 or at any subsequent by-election held before the ordinary day of election of councillors in 2027 ends on the fourth day after the ordinary day of election of councillors in 2027(5).

(2) In this article “council of any parish in Somerset” means a council which was in existence on 31st March 2022.

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(4) S.I. 2006/3304.

(5) Under section 16(3) of the Local Government Act 1972, the term of office of parish councillors is four years.