



# Local Democracy, Economic Development and Construction Act 2009

## 2009 CHAPTER 20

### PART 3

#### LOCAL GOVERNMENT BOUNDARY AND ELECTORAL CHANGE

##### *Miscellaneous*

#### **65 Electoral changes consequential on boundary change in England**

(1) Chapter 1 of Part 1 of the Local Government and Public Involvement in Health Act 2007 (structural and boundary change) is amended as follows.

(2) In section 8 (review of local government areas) after subsection (6) insert—

“(6A) Where under subsection (2) the Local Government Boundary Commission recommend that a boundary change should be made in relation to any local government area, the Commission must recommend to the Secretary of State whether, in consequence, a change should be made to—

- (a) the electoral arrangements of the area of a local authority;
- (b) the electoral arrangements of the area of a parish council.

(6B) In subsection (6A)(a) “electoral arrangements”, in relation to the area of a local authority means—

- (a) the total number of members of the local authority (“councillors”);
- (b) the number and boundaries of electoral areas for the purposes of the election of councillors;
- (c) the number of councillors to be returned by any electoral area in that area; and
- (d) the name of any electoral area.

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*Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Miscellaneous. (See end of Document for details)*

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- (6C) In subsection (6A)(b) “electoral arrangements”, in relation to the area of a parish council means—
- (a) the total number of members of the parish council (“parish councillors”);
  - (b) arrangements for the division of the parish or (in the case of a common parish council) any of the parishes into wards for the purposes of the election of parish councillors;
  - (c) the number and boundaries of any wards;
  - (d) the number of parish councillors to be returned by any ward or, in the case of a common parish council, by each parish; and
  - (e) the name of any ward.
- (6D) Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009 applies in relation to the making of recommendations under subsection (6A).
- (6E) Where under subsection (2) the Local Government Boundary Commission recommend that a boundary change should be made in relation to the area of a London borough council, the Commission must recommend to the Secretary of State whether, in consequence, a change should be made to the area of any constituency for the London Assembly in order to comply with the rules set out in paragraph 7 of Schedule 1 to the Greater London Authority Act 1999.”
- (3) In that section, in subsection (7), for “subsection (1), (2), (5) or (6)” substitute “ this section ”.
- (4) In section 10 (implementation of recommendations), after subsection (2) insert—
- “(2A) Subsections (2B) to (2D) apply where the Local Government Boundary Commission make a recommendation to the Secretary of State under section 8(6A) or (6E) in consequence of a recommendation under section 8(2).
- (2B) Where under subsection (1)(a) the Secretary of State implements the recommendation under section 8(2) without modification, the Secretary of State must by order implement the recommendation under section 8(6A) or (6E).
- (2C) Where pursuant to subsection (1)(a) the Secretary of State proposes to implement the recommendation under section 8(2) with modification, the Secretary of State must request the Local Government Boundary Commission to recommend whether a modification is needed to their recommendation under section 8(6A) or (6E).
- (2D) Where under section (1)(a) the Secretary of State implements a recommendation under section 8(2) with modification—
- (a) if the Local Government Boundary Commission have recommended under subsection (2C) that a modification is needed to their recommendation under section 8(6A) or (6E), the Secretary of State must by order implement the recommendation under section 8(6A) or (6E) with that modification;
  - (b) if the Local Government Boundary Commission have recommended under subsection (2C) that no modification is needed to the recommendation under section 8(6A) or (6E), the Secretary of State must by order implement that recommendation.”

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**Changes to legislation:** There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Miscellaneous. (See end of Document for details)

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- (5) In section 11 (implementation orders: provision that may be included)—
- (a) in subsection (3), at the end insert—
    - “(i) electoral matters within the meaning of section 12.”;
  - (b) in subsection (4), omit paragraph (d).
- (6) In section 12 (provision relating to membership etc of authorities), in subsection (1)—
- (a) for “section 11(4)” substitute “ section 11(3) ”;
  - (b) at the end insert—
    - “(l) the ordinary year of election for a parish council.”

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**Commencement Information**

**I1** S. 65 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(I\)](#)

**66 Repeal of redundant provisions**

The following provisions (which relate to the Local Government Commission for England) are repealed—

- (a) in the Local Government Act 1992 (c. 19), section 12 and Schedule 2;
- (b) in the Political Parties, Elections and Referendums Act 2000 (c. 41), section 18.

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**Commencement Information**

**I2** S. 66 in force at 1.4.2010 by [S.I. 2009/3318](#), [art. 4\(m\)](#)

**Changes to legislation:**

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