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**ELECTIONS AND MEETINGS (LOCAL AUTHORITIES)  
BILL 2021**

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**Explanatory Memorandum**

1. This Bill is promoted by Mr Baker MHK.
2. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.
3. The resulting Act is not expected to have any financial or human resource implications.
4. Clause 1 provides for the short title of the resultant Act.
5. Clause 2 provides that the Bill is to come into operation on its announcement day.
6. Clause 3 is introductory.
7. Clauses 4 to 10 amend the Local Elections Act 1986 to —
  - (a) provide that local authority elections for the 2021 shall take place in July of that year and thereafter in April of every successive fourth year;
  - (b) enable the Department to make regulations postponing an election to a different date;
  - (c) provide that members of a local authority go out of office on 1<sup>st</sup> August in the year 2021;
  - (d) provide that attendance at meetings can be effected remotely;
  - (e) provide that casual vacancies can be filled as soon as reasonable practicable after they have arisen;
  - (f) extend the existing provision of the Act which provides that the chairman continues in office until the successor has accepted the office, to the chairman of a local authority where that authority has not held an annual general meeting at which such a person would be elected;
  - (g) apply the same provision as in (f) to the election of a mayor and deputy mayor.
8. Clause 11 is introductory.
9. Clauses 12 to 15 amend the Local Government Act 1985 to —
  - (a) enable attendance at meetings to be effected remotely;
  - (b) provide that a local authority discharges any duty it has to publish documents or make them available for inspection or copying by publishing them electronically or (as appropriate) in a conspicuous place;

- (c) enable an annual meeting in 2021 to be held in August and to give a local authority the power to decide when and where to hold its meetings;
  - (d) determine what constitutes quorum when one-third or more of a local authority are disqualified or where casual vacancies apply to that number.
10. Clause 16 is introductory.
  11. Clauses 17 and 18 amend the Emergency Powers (Amendment) Act 2020 to –
    - (a) postpone the date of local elections in 2021 to 22 July 2021;
    - (b) provide that an existing office holder continues in post until 1 August 2021.
  12. Clause 19 deals with vacancies arising under certain Orders and provides that the existing office holder is to continue in office until their successor has been appointed.
  13. Clause 20 deals with continuity of offices and appointments in respect of joint boards and committees of local authorities.
  14. Clause 21 introduces the Schedule which –
    - (a) makes consequential amendments to various Orders by postponing the date of local authority elections for 2021 to 22 July 2021, and
    - (b) omits article 3(2) of the Elections (Keys and Local Authorities) (Appointed Day) Order 2021 under which the repeal of the Local Elections Act 1986 was to come into operation on 1 January 2022.

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## ELECTIONS AND MEETINGS (LOCAL AUTHORITIES) BILL 2021

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## ELECTIONS AND MEETINGS (LOCAL AUTHORITIES) BILL 2021

1 **A BILL** to change the date on which local elections in 2021 are due to take place  
2 and to enable meetings of local authorities to take place remotely; and for  
3 connected purposes

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**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### 4 **PART 1 – INTRODUCTORY**

#### 5 **1 Short title**

6 The short title of this Act is the Elections and Meetings (Local Authorities) Act  
7 2021.

#### 8 **2 Commencement**

9 This Act comes into operation on its announcement day.

### 10 **PART 2: AMENDMENT OF THE LOCAL ELECTIONS ACT 1986**

#### 11 **3 The Local Elections Act 1986**

12 The *Local Elections Act 1986* is amended as follows.

#### 13 **4 Amendment of section 3**

14 For section 3(1) (day of election), substitute —

15 “(1) Subject to section 17(2), the day of election for the purposes of all  
16 local elections shall be such day in July as the Department may  
17 determine in the year 2021, and such day in April as the  
18 Department may determine in the year 2025 and in each fourth  
19 succeeding year.”

1     **5     New section 3A**

2     After section 3 insert —

3     **“3A Power to postpone elections**

4     (1)    The Department may, by regulations provide that a local election  
5           under this Act or meeting under this Act or the *Local Government*  
6           *Act 1985* that would otherwise be required to be held on a  
7           particular date is instead to be held on such later date, or within  
8           such period, as is specified in the regulations.

9           Tynwald procedure – approval required

10    (2)    The power to make regulations under subsection (1) may be  
11           exercised more than once in respect of an election or meeting.

12    (3)    The power to make regulations under subsection (1) is capable of  
13           being exercised so as to amend any enactment dealing with local  
14           authority elections.

15    (4)    Regulations may make consequential, supplementary, incidental,  
16           transitional or saving provision and may, in particular, make  
17           provision about—

18           (a)    acts or omissions in connection with a meeting or an  
19           election prior to its postponement;

20           (b)    things that have yet to be done in connection with a  
21           meeting or an election prior to its postponement;

22           (c)    steps to be taken in respect of such a meeting or elections;

23           (d)    the manner of voting at an election that has been  
24           postponed;

25           (e)    the terms of office of incumbent office-holders or those  
26           elected at a postponed meeting or election;

27           (f)    the nomination of candidates.”

28    **6     Amendment of section 5**

29    In section 5 (“tenure of office”) for “1st May 2021” substitute “1st August 2021”.

30    **7     Amendment of section 12**

31    After section 12(3) (vacation of office by failure to attend meetings) insert —

32           “(4)    For the purposes of this section —

33           (a)    any reference to “attend” or “attendance” in respect of a  
34           meeting includes being present through remote  
35           attendance;

36           (b)    “remote attendance” means attendance by electronic  
37           means including by telephone conference, video

- 1 conference, live web cast and live interactive streaming;  
 2 and  
 3 (c) any reference to the place where a meeting is held, or to be  
 4 held, includes reference to more than one place including  
 5 electronic, digital or virtual locations such as internet  
 6 locations, web addresses or conference call telephone  
 7 numbers.”

8 **8 Amendment of section 17**

9 For section 17(1) (filling of casual vacancy in case of members) substitute —

- 10 “(1) Subject to the provisions of this section, on a casual vacancy  
 11 occurring in the office of a member of a local authority an election  
 12 to fill the vacancy must be held —  
 13 (a) in a case in which the High Court or the authority has  
 14 declared the office to be vacant, as soon as practicable after  
 15 the date of the declaration; or  
 16 (b) in any other case, as soon as practicable after the date on  
 17 which, by virtue of section 15(1), the vacancy is deemed to  
 18 have arisen.”

19 **9 Amendment of section 21**

20 After section 21(4) (election of chairman etc) insert —

- 21 “(5) Where, despite paragraph 1 of Schedule 1 to the Local Government  
 22 Act 1985 and for whatever reason, a local authority does not hold  
 23 an annual meeting (whether remotely or otherwise), the chairman  
 24 whose tenure of office is due to end on 1st August 2021 shall  
 25 continue in office until 1st May 2022 unless a successor is  
 26 appointed before that date, in which case that successor shall  
 27 continue in office until 1st May 2022.”

28 **10 Amendment of section 22**

29 In section 22(2) (mayor and deputy mayor) for “and (3)” substitute “, (3) and  
 30 (5)”.

31 **PART 3: AMENDMENT OF THE LOCAL GOVERNMENT ACT**  
 32 **1985**

33 **11 The Local Government Act 1985**

34 The *Local Government Act 1985* is amended as follows.

12 **New section 10A**

After section 10 (proceedings and allowances) insert —

**“10A Remote attendance**

- (1) A reference in this Act or in any other document to a local authority meeting is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or is to be held, is not to be read as limited to a single physical location.
- (2) For the purposes of this Act or any such document, a member of a local authority (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.
- (3) The conditions referred to in subsection (2) are that the member in remote attendance is able at that time —
  - (a) to hear and be heard by the other members in attendance;
  - (b) to hear and be heard by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
  - (c) to be heard by any other members of the public attending the meeting.
- (4) In this Act any reference to a member, or a member of the public, attending or being present at a meeting includes that person attending by remote attendance.
- (5) A local authority may make other standing orders, and any other rules of the authority governing meetings, about remote attendance at meetings of that authority, which may include provision for —
  - (a) voting;
  - (b) member and public access to documents;
  - (c) remote attendance of public and press to a local authority meeting to enable them to attend or where appropriate to participate in that meeting.
- (6) This section applies notwithstanding any prohibition or other restriction contained in the standing orders, any other rules of the local authority or any other document governing the meeting and any such prohibition or restriction has no effect.
- (7) In this section, “remote attendance” means attendance by electronic means including by telephone conference, video conference, live web cast and live interactive streaming.



- 1 | (8) A decision taken at a meeting which had this section been in  
 2 | operation at the time that decision was taken would have been  
 3 | taken in accordance with this section, may be ratified at a meeting  
 4 | after the date on which this section comes into operation and shall  
 5 | take effect at the date of its ratification.”

6 | **13 Amendment of section 32**

7 | For section 32 (public notices) substitute —

8 | **“32 Public notices**

- 9 | (1) Save as otherwise expressly provided, a public notice required to  
 10 | be given by a local authority under any enactment may be given  
 11 | —  
 12 | (a) by posting it in a conspicuous place at the principal office  
 13 | of the authority or, in the case of the local authority for a  
 14 | parish district, at a place in the parish where public notices  
 15 | are normally exhibited;  
 16 | (b) by posting it in such other places, if any, as appear to the  
 17 | authority to be desirable for giving publicity to the notice;  
 18 | (c) by publishing it on the local authority’s website or on some  
 19 | other online electronic platform (including a social media  
 20 | platform);  
 21 | (d) to a person in electronic form.  
 22 | (2) Save as otherwise expressly provided, any requirement under any  
 23 | enactment on a local authority to make a document available for  
 24 | copying or inspection is satisfied if the document is published —  
 25 | (a) on the local authority’s website or on some other online  
 26 | electronic platform (including a social media platform);  
 27 | (b) posted in a conspicuous place outside the principal office  
 28 | of the authority or, in the case of a local authority for a  
 29 | parish district, at a place where public notices are normally  
 30 | exhibited; or  
 31 | (c) electronically (including being provided to a person in that  
 32 | way).”

33 | **14 Amendment of Schedule 1**

34 | In Schedule 1 (meetings and proceedings of local authorities) —

- 35 | (a) after paragraph 1(3) (annual meeting) insert —

36 | “(4) Despite sub-paragraph (2) the annual meeting of a local authority for  
 37 | the year 2021 shall be held on such day in August as the authority  
 38 | may fix.”;

(b) in paragraph 2(1) (other ordinary meetings) omit “a meeting in each quarter in which the annual meeting is not held and may hold”;

(c) after paragraph 4 (time and place of meetings) insert —

*“Cancellation of meetings*

4A. A local authority may cancel a meeting without rearranging it or determine that a meeting that would otherwise be required to be held on a date or dates is instead to be held on such later date, or within such period, as it determines.”;

(d) for paragraph 6(2) (quorum) substitute —

“(2) Where more than one-third of the members of a local authority become disqualified at the same time or where there are casual vacancies for more than one-third of the members of a local authority, until the number of members in office is increased to not less than two-thirds of the whole number of members of the authority, the quorum of the authority shall be determined by reference to the number of members of the authority remaining qualified or in office instead of by reference to the whole number of members of the authority.”

### 15 **Amendment of Schedule 3**

In Schedule 3 (application of this Act to joint boards) in the column headed “*Provision applied*” after the entry “Section 10” insert “Section 10A”.

## **PART 4: AMENDMENT OF THE EMERGENCY POWERS (AMENDMENT) ACT 2020**

### 16 **The Emergency Powers (Amendment) Act 2020**

The *Emergency Powers (Amendment) Act 2020* is amended as follows.

### 17 **Amendment of section 6**

In section 6(1) (local elections postponed) for “22 April 2021” substitute “22 July 2021”.

### 18 **Amendment of Schedule**

In the Schedule (postponement of local elections: consequential provisions) in paragraph 1 (continuation of tenure of office) —

- (a) in sub-paragraph (1) for “1 May 2021” substitute “1 August 2021”;
- (b) omit sub-paragraph (2).

**PART 5: ORDERS ETC.****19 Orders**

- (1) This section applies where under a relevant order —
- (a) a person (P) who holds an office as a committee member, a board member, chairman or vice-chairman (however expressed) of a board and is due to go out of office,
  - (b) a replacement for P is due to be appointed at a meeting of the relevant committee or board, and
  - (c) for whatever reason that meeting, whether remotely or otherwise, does not take place.
- (2) Where subsection (1) applies, and despite any provision in a relevant order to the contrary, P is to remain in office until P's successor has been appointed.
- (3) For the purposes of this section, the relevant orders are —
- (a) Peel and Western District Housing Order 1969 (GR 7/69);
  - (b) Ramsey and Northern Districts Housing Order 1976 (GC 141/76);
  - (c) Western Swimming Pool Board Order 1999 (SD 574/99);
  - (d) Southern Civic Amenity Board Order 2000 (SD 58/00);
  - (e) Southern Swimming Pool Board Order 2000 (SD 609/00);
  - (f) Northern Swimming Pool Board Order 2000 (SD 610/00);
  - (g) Northern Parishes Refuse Collection Board Order 2003 (SD 127/03);
  - (h) Western Civic Amenity Board Order 2013 (SD 0183/13);
  - (i) Southern Sheltered Housing Joint Board Order 2020 (SD 2020/0062).

**20 Continuity of offices and appointments**

- (1) Where a person (P) is to vacate office of a joint board on 1 May 2021 (or has already done so prior to that date) and a successor to that office has not been appointed, P is deemed to have been re-appointed and shall hold office until 1 August 2021 or such earlier time as the joint board may determine, unless P vacates that office earlier.
- (2) Where a person is to vacate office of a joint board on 1 May 2021 (or has already done so prior to that date) and a successor (S) to that office has been appointed, S is to continue in office until 1 August 2021 or such earlier time as the joint board may determine, unless S vacates that office earlier.
- (3) Where a local authority is required within a fixed number of days which fall before the date on which this section comes into operation to

1 nominate or appoint a person to a joint board to fill a casual vacancy and  
2 has not done so, that requirement is satisfied if the local authority makes  
3 such nomination or appointment as soon as reasonably practicable.

4 (4) Where —

5 (a) a local authority is required to —

6 (i) elect a member of a joint committee before the date this  
7 section comes into operation and has not done so, the  
8 person holding that office before that date continues to do  
9 so until the next meeting of the local authority, unless that  
10 person vacates that office earlier;

11 (ii) elect a member of a joint committee to fill a casual vacancy  
12 within a fixed number of days which fall before the date on  
13 which this section comes into operation and has not done  
14 so, that requirement is satisfied if the local authority fills  
15 the casual vacancy as soon as reasonably practicable;

16 (b) an appointment to an office falls to be made or would ordinarily  
17 be made at a meeting of a joint committee which is due to take  
18 place before the date on which this section comes into operation  
19 but has not done so, the person holding that office before that date  
20 continues to do so until the next meeting of the joint committee,  
21 unless the person vacates that office earlier.

## 22 21 **Schedule**

23 The Schedule, which makes consequential amendments to subordinate  
24 legislation, has effect.

1

**SCHEDULE**

2

**CONSEQUENTIAL AMENDMENTS: SUBORDINATE LEGISLATION**

3

[section 21]

4

**1 Elections (Keys and Local Authorities)(Appointed Day) Order 2021**

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Article 3(2) of the Elections (Keys and Local Authorities)(Appointed Day) Order 2021 (SD 2021/0095) is omitted.

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**2 Douglas (Alteration of Wards and Number of Members) Order 2019**

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In article 4(3)(b) of the Douglas (Alteration of Wards and Number of Members) Order 2019 (SD 2019/0137) for “22 April 2021” substitute “22 July 2021”.

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**3 Port Erin (Number of Members) Order 2019**

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In article 4(3)(b) of the Port Erin (Number of Members) Order 2019 (SD 2019/0388) for “22 April 2021” substitute “22 July 2021”.

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**4 Port St Mary (Number of Members) Order 2019**

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In article 4(3)(b) of the Port St Mary (Number of Members) Order 2019 (SD 2019/0389) for “22 April 2021” substitute “22 July 2021”.

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**5 Arbory and Rushen (Local Government District) Order 2019**

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(1) The Arbory and Rushen (Local Government District) Order 2019 (SD 2019/0498) is amended as follows.

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19

(2) In article 5 —

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(a) in paragraph (2) for “1 May 2021” substitute “1 August 2021”;

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(b) in paragraph (2A) for “1 May 2021” substitute “1 August 2021” and for “30 April 2021” substitute “31 July 2021” and for “1 May 2021” substitute “1 August 2021”;

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(c) in paragraph (4) for “a 1 year term” substitute “a term of 1 year and 3 months”;

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26

(d) for paragraph (5) substitute —

27

“(5) Commissioners for the Arbory and Rushen Parish District who take up office on or after 1 August 2021 shall hold office until 1 May 2025 (and their successors shall take up office in each fourth succeeding year, other than when filling a casual vacancy in their number).”

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IN THE KEYS

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**ELECTIONS AND MEETINGS (LOCAL AUTHORITIES)  
BILL 2021**

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A **BILL** to change the date on which local elections in 2021 are due to take place and to enable meetings of local authorities to take place remotely; and for connected purposes

Approved by the Council of Ministers  
for introduction in the House of Keys.

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MR BAKER MHK

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MARCH 2021