



Representation of the People Act 1983

1983 CHAPTER 2

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

Conduct of local government elections in England and Wales

36 Local elections in England and Wales.

- (1) Elections of councillors for local government areas in England and Wales shall be conducted in accordance with rules made by the Secretary of State.
- (2) Rules made under this section shall apply the parliamentary elections rules in Schedule 1 to this Act, subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.

[^{F1}(2A) As regards the Greater London Authority—

- (a) Authority elections, and
- (b) the return of London members of the London Assembly otherwise than at an election,

shall be conducted in accordance with rules made under this subsection by the Secretary of State.

Rules made under this subsection need not comply with the requirements of subsection (2) above.

(2B) As regards lists of candidates submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members), the provision that may be made by rules under subsection (2A) above includes provision for or in connection with any of the following—

- (a) the inclusion, withdrawal, addition or removal of persons;
- (b) cases where a person included in such a list is or becomes, or seeks to become, an individual candidate to be a London member of the London Assembly.]

Status: Point in time view as at 30/04/2012. This version of this provision has been superseded.

Changes to legislation: Representation of the People Act 1983, Section 36 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F2}^{F3}(3) Where the polls at—

- (a) the ordinary election of district councillors for any district ward or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish ^{F4}. . . councillors for any parish ^{F4}. . . or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.

[Where the polls at—

- ^{F3}(3AB) (a) the ordinary election of councillors for any electoral division of a Welsh county or county borough or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of community councillors for any community or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.]]

^{F5}(3AC) Where the polls at—

- (a) the ordinary election of councillors for any electoral division of a county in England in which there are no district councils or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish councillors for any parish or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.]

(3A) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other.

^{F6}(3AA)

(3B) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.

(3C) The Secretary of State may by regulations make such provision as he thinks fit in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.

(4) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a principal area (that is, a county, [^{F7}a county borough]. . . , a district or a London borough) shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.

^{F8}(4A)

^{F9}(4B) All expenditure properly incurred by a returning officer in relation to the holding of an Authority election shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the Greater London Authority, exceed that scale, be paid by the Greater London Authority.]

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- (5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a parish^{F10} . . . councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the district in which the parish^{F10} . . . is situated, exceed that scale, be paid by the district council, but any expenditure so incurred^{F11} shall, if the district council so require, be repaid to that council by the council of the parish^{F10} . . . for which the election is held.]
- ^{F12}[(5A) All the expenditure properly incurred by a returning officer in relation to the holding of an election of a community councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the county or county borough in which the community is situated (“the principal council”), exceed that scale, be paid by the principal council; and if the principal council so require, any expenditure so incurred shall be repaid to them by the community council.]
- (6) Before a poll is taken at an election of a councillor for any local government area in England and Wales the council of that area or, in the case of an election of a parish or community councillor, the council who appointed the returning officer shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.
- ^{F13}[(6A) Subsection (6) above shall apply in relation to an Authority election as it applies in relation to an election of a councillor for any local government area in England and Wales, but taking the reference to the council of the area as a reference to the Greater London Authority.]
- (7) Rules made under this section shall be—
- (a) made by statutory instrument;
 - (b) subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 36(2A)(2B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F2** S. 36(3)(3A)(3B)(3C) substituted (E.W.S.) for s. 36(3) by Representation of the People Act 1985 (c. 50, SIF 42), **s. 17**.
- F3** S. 36(3AB) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(8)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F4** Words in s. 36(3)(b) repealed (20.3.1995) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(8), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F5** S. 36(3AC) inserted (18.3.1998) by 1997 c. 29, s. 33(1), **Sch. 3 para. 17**; S.I. 1998/694, **art. 2**
- F6** S. 36(3AA) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(4)(a)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F7** Words in s. 36(4) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(9)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F8** S. 36(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 19(5)(6), **Sch. 9 para. 1(4)(b)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F9** S. 36(4B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F10** Words in s. 36(5) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 68(10)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F11** Words in s. 36(5) substituted (G.B.) by S.I. 1991/1730, art. 2(2), **Sch. 2 Pt. I**.

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- F12** S. 36(5A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(10)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F13** S. 36(6A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(4)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

Modifications etc. (not altering text)

- C1** S. 36 amended (16.2.2001) by 2000 c. 41, **s. 7(2)(d)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- C2** S. 36(4) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- C3** S. 36(4) excluded (5.7.1994) by 1972 c. 70, s. 37, **Sch. 5 para. 3(2)** (as substituted (5.7.1994) by 1994 c. 19, ss. 3, 66(2)(b), Sch. 3 (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2))
S. 36(4) excluded (1.3.1995) by S.I. 1995/493, **arts. 1, 9(6)**
S. 36(4) excluded (8.3.1995) by S.I. 1995/600, **arts. 1, 7(7)**
S. 36(4) excluded (8.3.1995) by S.I. 1995/610, **arts. 1, 8(2)**
- C4** S. 36(4)(5A) modified (11.3.1999) by S.I. 1999/450, art. 14(7), **Sch. 4 Pt. I para. 3(1)(c)(4)** (which S.I. was revoked (1.3.2003) by S.I. 2003/284, **art. 1**)
S. 36(4)(5A) modified (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), arts. 1(1), 16(7), **Sch. 4 para. 3(1)(c)(4)(a)**
- C5** S. 36(4)(6) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 36(4)(6) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
S. 36(4)(6) applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C6** S. 36(4) modified (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), art. 15(7), **Sch. 4 para. 3(1)(c)(4)(a)** (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))
S. 36(4) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**
- C7** S. 36(4)(6) applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C8** S. 36(4)(5) applied (with modifications) (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 5 para. 6**
- C9** S. 36(4)(6) applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums)(England) Regulations 2012 (S.I. 2012/323), reg. 1, Sch. 4 para. 1
- C10** S. 36(4)(6) applied (with modifications) (E.) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C11** S. 36(4B) excluded (14.12.1999) by 1999 c. 29, **s. 18(8)**; S.I. 1999/3376, **art. 2**
- C12** S. 36(5) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
S. 36(5) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**
- C13** S. 36(5A) modified (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), art. 15(7), **Sch. 4 para. 3(1)(c)(4)(b)** (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))
S. 36(5A) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**
- C14** S. 36(6) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)(2)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)

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- C15** S. 36(6) modified (1.3.2003) by [The National Assembly for Wales \(Representation of the People\) Order 2003 \(S.I. 2003/284\)](#), art. 15(7), **Sch. 4 para. 3(2)** (which S.I. was revoked (11.2.2007) by [S.I. 2007/236](#), art. 1(2))
- S. 36(6) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(1)(c)**
- S. 36(6) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(2)**
- S. 36(6) modified (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 16(7), **Sch. 4 para. 3(2)**
- C16** S. 36(6) applied (with modifications) (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 5 para. 6**
- C17** S. 36(6A) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(1)(c)**

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