

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Representation of the People Act 1985, Cross Heading: Part I (parliamentary and local government franchise and its exercise) is up to date with all changes known to be in force on or before 28 June 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)*

## SCHEDULES

### SCHEDULE 4

#### MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

##### *Part I (parliamentary and local government franchise and its exercise)*

- 1 In section 3(1) (disfranchisement of person detained in penal institution in pursuance of sentence) after the word “sentence” there shall be inserted the words “or unlawfully at large when he would otherwise be so detained”.
- 2 For subsections (2) and (3) of section 11 (correction of registers) there shall be substituted—
  - “(2) Where in a case in which paragraph (a) of subsection (1) above does not apply—
    - (a) a claim is duly made that any person whose name is not included in a register of electors as published is entitled to be registered in that register, and
    - (b) having duly disposed of the claim, the registration officer is satisfied that the person in respect of whom the claim is made is entitled to be so registered,the registration officer shall make the necessary correction in the register.
  - (3) An alteration made in a register of electors after the last day on which nomination papers nominating candidates at an election may be delivered to the returning officer shall not have effect for the purposes of that election.”.
- 3 In section 15(7) (cancellation of service declarations), for the words from “if” to the end there shall be substituted the words “unless the declarations are made with reference to different qualifying dates”.
- 4 (1) In section 18 (polling districts and places at parliamentary elections) in subsection (2)
  - (a) at the end of paragraph (a) there shall be inserted the words “and, in particular, they shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled”; and
  - (b) in paragraph (b) the words “in the case of a county constituency” shall cease to have effect.(2) In subsection (3) of that section as the end of paragraph (a) there shall be inserted the words “and, in particular, he shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled”.

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- (3) In subsection (6) of that section (report of boundaries of polling districts and places to be sent to Secretary of State) paragraph (b) and the word “and” immediately preceding it shall cease to have effect.
- (4) In subsection (7) of that section (polling districts and polling places in Northern Ireland to be those established under law relating to election of members of Northern Ireland Assembly) for the words “the election of members to serve in the Northern Ireland Assembly” there shall be substituted the words “local elections within the meaning of section 130 of the <sup>M1</sup>Electoral Law Act (Northern Ireland) 1962”.

#### Marginal Citations

**M1** 1962 c. 14 (N.I.)

- 5 At the end of section 26 (returning officer: Northern Ireland) there shall be inserted the following subsection—
- “(2) Sections 14(5) and 14A(2) and (3) of the Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as returning officer.”.
- 6 In section 28 (discharge of returning officer’s functions in England and Wales)—
- (a) in subsection (1)(b) after the word “made” there shall be inserted the words “by statutory instrument”; and
- (b) in subsection (5) for the words from “but” onwards there shall be substituted the words “and a district council or London borough council may assign officers to assist in carrying out all or any of those duties.”.
- 7 Section 38 (nominations and candidate’s death in local election in England and Wales) shall cease to have effect.
- 8 Subsection (8) of section 39 (two copies of every order by a district council under that section to be sent to the Secretary of State) shall cease to have effect.
- 9 Section 44 (candidate’s death in local election in Scotland) shall cease to have effect.
- 10 In section 49 (effect of registers) subsections (1)(d) and (2)(c) shall cease to have effect.
- 11 Section 51 (corrupt and illegal practices lists) shall cease to have effect.
- 12 In section 52 (discharge of registration duties)—
- (a) in subsection (1) for the words “registration duties” there shall be substituted the words “functions under this Act”;
- (b) in subsection (2) the words “by the Secretary of State or, in Scotland” shall cease to have effect;
- (c) in subsection (3) after “by”, in the second place where it occurs, there shall be inserted the words “or with respect to”; and
- (d) for subsections (4) and (5) there shall be substituted—
- “(4) It shall be the duty—
- (a) in England and Wales, of a district council or London borough council, and

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- (b) in Scotland, of the council of a region or islands area,  
to assign such officers to assist the registration officer as may be  
required for carrying out his functions under this Act.
- (5) Subsection (2) above does not apply in Northern Ireland but  
sections 14(5) and 14A(2) and (3) of the Electoral Law Act  
(Northern Ireland) 1962 (appointment of temporary deputy and  
delegation to assistants) shall have effect in relation to the Chief  
Electoral Officer for Northern Ireland in his capacity as registration  
officer.”.
- 13 In section 53 (power to make regulations as to registration etc.)—
- (a) in subsection (1)(b) after the word “publication” there shall be inserted the  
words “(including provision for electors lists which have been published in  
the form of a draft register to take effect with any necessary amendments  
as the register and provision with respect to the time at which the register  
is to be treated as being published in such a case)”; and
- (b) in subsection (3) for the words “subsections (1) and (2)” there shall  
be substituted the words “subsection (1)”, and for the words “those  
subsections” there shall be substituted the words “that subsection”.
- 14 In section 54 (payment of expenses of registration)—
- (a) in subsection (1) for the words “registration duties” there shall be  
substituted the words “functions under this Act”; and
- (b) in subsection (3) for the words from “or” to “expenses” there shall be  
substituted the words “paid to the registration officer under this Act”.
- 15 Section 55 (ascertainment of amount of registration expenses) shall cease to have  
effect.
- 16 In section 56 (registration appeals: England and Wales)—
- (a) subsection (1)(c) shall cease to have effect; and
- (b) after subsection (4) there shall be inserted—
- “(4A) Where, as a result of the decision on an appeal, an alteration in  
the register is made under subsection (4) above on or before the  
last day on which nomination papers nominating candidates at an  
election may be delivered to the returning officer, subsection (3)  
above does not apply to that appeal as respects that election.”.
- 17 In section 58 (registration appeals: Northern Ireland)—
- (a) for the words “subsections (2) and (4)” there shall be substituted the  
words “subsection (2) and the words from the beginning to ”and’ in  
subsection (4)”; and
- (b) for the words “electors for elections of members to sit in the Northern  
Ireland Assembly” there shall be substituted the words “local electors  
within the meaning of section 130 of the <sup>M2</sup>Electoral Law Act (Northern  
Ireland) 1962.”.

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### Marginal Citations

M2 1962 c. 14 (N.I.).

- 18 In section 62(1)(b)(ii) (offences as to declarations) for “15” there shall be substituted “16”.
- 19 For section 63 (breach of official duty in parliamentary elections) and section 64 (breach of official duty in local elections) there shall be substituted—

### “63 Breach of official duty.

- (1) If a person to whom this section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.
- (3) The persons to whom this section applies are—
  - (a) the Clerk of the Crown (or, in Northern Ireland, the Clerk of the Crown for Northern Ireland),
  - (b) any sheriff clerk, registration officer, returning officer or presiding officer,
  - (c) any other person whose duty it is to be responsible after a local government election for the used ballot papers and other documents (including returns and declarations as to expenses),
  - (d) any postmaster, and
  - (e) any deputy of a person mentioned in any of paragraphs (a) to (d) above or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by the law relating to parliamentary or local government elections or the registration of parliamentary or local government electors.”.

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