



# Electoral Registration and Administration Act 2013

## 2013 CHAPTER 6

### PART 2

#### ADMINISTRATION AND CONDUCT OF ELECTIONS ETC

#### 14 Extension of timetable for parliamentary elections

- (1) In section 3(1) of the Fixed-term Parliaments Act 2011 (Parliament to be dissolved on 17th working day before polling day), for “17th” substitute “ 25th ”.
- (2) Schedule 1 to the Representation of the People Act 1983 (parliamentary elections rules) is amended in accordance with subsections (3) to (5).
- (3) In the Timetable in rule 1, in the entry relating to “Polling”, in column 3 (polling day for by-election to be on 9th to 11th day after last day for delivery of nomination papers)—
  - (a) for “ninth” substitute “ 17th ”, and
  - (b) for “eleventh” substitute “ 19th ”.
- (4) In rule 30(3) (notice of appointment of polling and counting agents to be given no later than the second day before the poll), for “second” substitute “ 5th ”.
- (5) In rules 61(9), 63(9) and 64(6) (where election candidate dies, fresh poll to be held 15 to 19 days after day on which election writ treated as received)—
  - (a) for “15” substitute “ 21 ”, and
  - (b) for “19” substitute “ 27 ”.
- (6) In Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599 (N.I.)), in the entry for rule 30, omit the words in the second column.

#### Commencement Information

**II** S. 14 in force at 6.4.2014 by S.I. 2014/414, art. 3(a) (with art. 4)

*Status: Point in time view as at 14/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Electoral Registration and Administration Act 2013, PART 2. (See end of Document for details)*

## 15 Timing of parish and community council elections in England and Wales

- (1) Section 16 of the Representation of the People Act 1985 (postponement of parish and community council elections in England and Wales) is repealed.
- (2) In section 29(5) of that Act (provisions which do not extend to Northern Ireland), for “16 to 18” substitute “ 17 and 18 ”.
- (3) In section 40(1) of the Representation of the People Act 1983 (effect of bank holidays etc on timing of elections), omit “or section 16 of the Representation of the People Act 1985”.

### Commencement Information

**I2** S. 15 in force at 2.4.2013 by S.I. 2013/702, art. 3(b)

## 16 Alteration of electoral registers: pending elections

- (1) The Representation of the People Act 1983 is amended as follows.
- (2) In section 13A (alteration of registers)—
  - (a) in subsection (4), after “section” insert “ 13AB(2), ”;
  - (b) in subsection (5), after “this section, section” insert “ 13AB, ”.
- (3) After that section insert—

### “13AB Alteration of registers: interim publication dates

- (1) Subsections (2) and (3) apply in relation to an interim publication date where—
  - (a) at any time before the interim publication date, section 13A applies to a registration officer (by virtue of section 13A(1)) in connection with a determination, requirement or decision within section 13A(1) (za), (zb), (b), (c) or (d),
  - (b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election area, and
  - (c) no alteration made in consequence of the determination, requirement or decision has already taken effect, or is due to take effect, under a relevant provision on or before the interim publication date.
- (2) On the interim publication date the registration officer must issue, in the prescribed manner, a notice specifying the appropriate alteration in the register.
- (3) The alteration takes effect from the beginning of the interim publication date.
- (4) There are two interim publication dates (in relation to a registration officer and an election to which this section applies).
- (5) The first interim publication date is the last day on which nomination papers may be delivered to the returning officer for the purposes of the election.

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- (6) The second interim publication date is to be determined by the registration officer, but must be a day after the first interim publication date and before the appropriate publication date.
- (7) In subsection (1)(c) “relevant provision” means—
- (a) in relation to the first interim publication date, section 13A(2);
  - (b) in relation to the second interim publication date, section 13A(2) and subsection (3) as it applies in relation to the first interim publication date.
- (8) This section applies to—
- (a) parliamentary elections in England, Wales or Scotland;
  - (b) elections in England, Wales or Scotland to the European Parliament;
  - (c) elections to the Scottish Parliament;
  - (d) elections to the National Assembly for Wales;
  - (e) local government elections in England, Wales or Scotland;
  - (f) elections of police and crime commissioners in England and Wales.
- (9) Subsections (5) and (6) of section 13B apply for the purposes of this section as they apply for the purposes of that section.”
- (4) In section 13B(2) (alteration of registers in Great Britain: pending elections), after “subsection (2) of that section” insert “ or section 13AB(3) ”.
- (5) In section 56 (registration appeals: England and Wales)—
- (a) in subsection (4), after “13A” insert “ , 13AB ”;
  - (b) in subsection (4A), after “13A(2)” insert “ , 13AB(3) ”.

#### **Commencement Information**

**I3** S. 16 in force at 6.4.2014 by S.I. 2014/414, art. 3(b) (with art. 4)

## **17 Review of polling districts and places in Great Britain**

In section 18C of the Representation of the People Act 1983 (review of polling districts and places), for subsections (1) to (5) substitute—

- “(1) A relevant authority must during each compulsory review period carry out and complete—
- (a) a review under section 18A of all the polling districts in its area, and
  - (b) a review under section 18B of all the polling places in its area.
- (2) The compulsory review periods are—
- (a) the period of 16 months beginning with 1st October 2013, and
  - (b) the period of 16 months beginning with 1st October of every fifth year after that.
- (3) Subsection (1) does not prevent a relevant authority carrying out a review of some or all of the polling districts or polling places in its area at other times.”

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#### Commencement Information

**I4** S. 17 in force at 2.4.2013 by S.I. 2013/702, art. 3(c)

### 18 Inadequate performance of returning officer: reduction of charges

- (1) In section 29(3) of the Representation of the People Act 1983 (payments by and to a returning officer) at the beginning insert “ Subject to section 29A, ”.
- (2) After section 29 of that Act insert—

#### “29A Inadequate performance of returning officer: reduction of charges

- (1) This section applies to a service rendered by a returning officer for or in connection with a parliamentary election in Great Britain which, in the opinion of the Electoral Commission, was inadequately performed.
- (2) The Commission may recommend to the Secretary of State that the returning officer is entitled under section 29(3) to no more than a specified amount (which may be nil) in respect of that service.
- (3) In making a recommendation under subsection (2), the Commission must have regard to—
  - (a) any report prepared under section 5 of the Political Parties, Elections and Referendums Act 2000 on the administration of the parliamentary election concerned,
  - (b) any assessments of the level of performance of the returning officer in relation to that election under section 9B(4) of that Act,
  - (c) any representations made to the Commission by the returning officer in respect of the performance of the service, and
  - (d) any other information relating to the performance of the service by the returning officer that has been provided to the Commission.
- (4) Where the Commission makes a recommendation under subsection (2), the returning officer is entitled under section 29(3) to no more than the amount (which may be nil) determined by the Secretary of State, having regard to the recommendation by the Commission.”
- (3) In paragraph 107 of Schedule 1 to the Electoral Administration Act 2006 (amendment to section 29 of the 1983 Act) in sub-paragraph (2), in substituted subsection (3), at the beginning insert “ Subject to section 29A, ”.

#### Commencement Information

**I5** S. 18 in force at 6.4.2014 by S.I. 2014/414, art. 3(c) (with art. 4)

### 19 Voters waiting at polling station at close of poll

- (1) Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules) is amended as follows.

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(2) In rule 37 (voting procedure) as it extends to England and Wales and Scotland, after paragraph (6) insert—

“(7) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.”

(3) In rule 37 (voting procedure) as it extends to Northern Ireland, after paragraph (3) insert—

“(4) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.”

**Commencement Information**

**I6** S. 19 in force at 22.5.2014 by S.I. 2014/336, art. 2

**20 Use of emblems on ballot papers**

(1) Rule 19 of Schedule 1 to the Representation of the People Act 1983 (ballot papers for parliamentary elections) is amended as follows.

(2) After paragraph (2A) insert—

“(2AA) If a candidate who is the subject of an authorisation by two or more parties under rule 6A(1B) so requests, the ballot paper shall contain, against the candidate's particulars, the registered emblem (or, as the case may be, one of the registered emblems) of one of those parties.”

(3) In paragraph (2B), for “The request” substitute “ A request under paragraph (2A) or (2AA) ”.

**Commencement Information**

**I7** S. 20 in force at 6.4.2014 by S.I. 2014/414, art. 3(d) (with art. 4)

**21 Community support officers**

(1) In Schedule 1 to the Representation of the People Act 1983 (parliamentary elections rules), in rule 31 (notification of requirement of secrecy), make the existing provision paragraph (1) and after that paragraph insert—

“(2) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).”

(2) In rule 32 of that Schedule (admission to polling station), after paragraph (4) insert—

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“(5) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).”

(3) In Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain), in paragraph 2 (manner of voting at parliamentary or local government elections), after sub-paragraph (5) insert—

“(5ZA) In the application of sub-paragraph (5) to an election in England or Wales, a reference to a constable includes a person designated as a community support officer under section 38 of the Police Reform Act 2002 (police powers for employees).”

#### Commencement Information

**18** S. 21 in force at 6.4.2014 by S.I. 2014/414, art. 3(e) (with art. 4)

## 22 Notification of rejected postal vote

(1) In Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain), after paragraph 7D insert—

### “Notification of rejected postal vote

- 7E (1) Regulations may make provision as to circumstances in which, following the close of the poll at a parliamentary or local government election, a registration officer must—
- (a) notify a person that the person's postal ballot paper has been rejected, and
  - (b) where such notification is required to be given to a person appointed as proxy to vote for another (“the elector”) in respect of a proxy postal ballot paper, notify the elector that the ballot paper has been rejected.
- (2) For the purposes of sub-paragraph (1), a postal ballot paper is “rejected” if it was not taken to have been duly returned in accordance with the appropriate rules because the returned postal voting statement was not duly completed.
- (3) Regulations under this paragraph may include provision as to—
- (a) the information to be notified (which may include information as to the respect in which the postal voting statement was not duly completed);
  - (b) the time within which the notification is to be given;
  - (c) the way in which it is to be given.

### Regulations under paragraph 7E in relation to local government elections in Scotland

- 7F (1) The power to make regulations under paragraph 7E in relation to local government elections in Scotland is exercisable by the Scottish Ministers.

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- (2) Regulations made by the Scottish Ministers by virtue of this paragraph are subject to the affirmative procedure.
- (3) Such regulations may—
- (a) make different provision for different cases, circumstances or areas;
  - (b) contain such incidental, supplemental, saving or transitional provision as the Scottish Ministers think fit.”
- (2) In section 7 of the Political Parties, Elections and Referendums Act 2000 (Electoral Commission to be consulted on changes to Electoral Law), after subsection (2)(e) insert—
- “(ea) regulations made by virtue of paragraph 7F of Schedule 4 to the Representation of the People Act 2000 (regulations made by the Scottish Ministers about notification of rejected postal votes in relation to local government elections in Scotland);”.

#### Commencement Information

**19** S. 22 in force at 2.4.2013 by S.I. 2013/702, art. 3(d)

## 23 Repeal of powers to establish co-ordinated on-line record of electors

- (1) Part 1 of the Electoral Administration Act 2006 (co-ordinated on-line record of electors) is repealed.
- (2) The table contains consequential repeals.

<i>Short title</i>	<i>Extent of repeal</i>
Representation of the People Act 1983	In section 10ZB— (a) in subsection (5), paragraph (b) and the “or” before it; (b) subsections (6) and (8).
Political Parties, Elections and Referendums Act 2000	Section 20A.
Electoral Administration Act 2006	Section 77(1)(a) to (g).
Northern Ireland (Miscellaneous Provisions) Act 2006	In Schedule 4, paragraph 8.
Political Parties and Elections Act 2009	Sections 28 and 29.

#### Commencement Information

**110** S. 23 in force at 2.4.2013 by S.I. 2013/702, art. 3(e)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Electoral Registration and Administration Act 2013, PART 2.