
STATUTORY INSTRUMENTS

2012 No. 1917

The Police and Crime Commissioner Elections Order 2012

PART 2

Exercise of franchise for PCC elections

Conduct of elections

Supply of register of electors

9. Schedule 1 (which makes provision about the supply of the register of electors) has effect.

Polling districts and places at PCC elections

10.—(1) For the purpose of PCC elections every police area is to be divided into polling districts.

(2) The power to constitute polling districts for the purpose of PCC elections is to be exercised in relation to each police area so that electors from any parliamentary polling district wholly or partly within a relevant voting area can, in the absence of special circumstances, be allotted to a polling station within the parliamentary polling place for that district unless the parliamentary polling place is outside the voting area.

(3) In paragraph (2), the reference to a relevant voting area is to a voting area wholly or partly comprised in the police area.

(4) An election is not to be questioned by reason of—

- (a) any non-compliance with paragraph (1) or (2), or
- (b) any irregularity relating to polling districts or polling places.

Manner of voting at PCC elections

11.—(1) Schedule 2 (which makes provision with respect to the manner of voting at PCC elections, and in particular absent voting) has effect as regards PCC elections.

(2) For the purposes of Schedule 2, where the day or last day of the time allowed by this Order for the doing of anything falls on a day which is—

- (a) a Saturday or Sunday,
- (b) Christmas Eve, Christmas Day, Good Friday or a bank holiday, or
- (c) a day appointed for public thanksgiving or mourning,

that time is to be extended until the next following day which is not one of those days.

(3) Subject to paragraph 16(5) and 59(6) of Schedule 2, in computing any period of not more than 7 days for the purposes of that Schedule any day referred to in paragraph (2)(a) or (b) is to be disregarded.

Conduct of PCC elections

12.—(1) Elections of police and crime commissioners for police areas must be conducted in accordance with the rules set out in Parts 1 to 7 of Schedule 3 (“PCC elections rules”).

(2) Part 8 of Schedule 3 (forms and directions) has effect for the purposes of those rules.

Combination of polls

13.—(1) In this article, “relevant election or referendum” means one or more of the following elections or referendums—

- (a) a parliamentary election,
- (b) a European parliamentary election,
- (c) a local government election in England or Wales,
- (d) an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000(1),
- (e) an election in Wales for the return of an elected mayor as defined by section 39(1) of the Local Government Act 2000,
- (f) a local referendum.

(2) Parts 1 and 2 of Schedule 4 contain provision for polls at a PCC election to be taken together with polls at one or more relevant elections or referendums.

(3) Where the poll at a PCC election is taken together with the poll at one or more relevant elections or referendums, the PCC elections rules have effect with the modifications set out in Part 3 of Schedule 4.

(4) Part 4 of Schedule 4 (forms and directions) has effect for the purposes of those modified PCC elections rules.

Further provision about persons involved in conduct of PCC elections

14.—(1) No person is subject to any incapacity to vote at a PCC election by reason of that person being or acting as police area returning officer or local returning officer.

(2) A PCC election is not to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

Validity of PCC election

15. No PCC election may be declared invalid by reason of any act or omission by any police area returning officer, local returning officer or other person in breach of his or her official duty in connection with the election or otherwise of the PCC elections rules if it appears to the tribunal having cognizance of the question that—

- (a) the election was so conducted as to be substantially in accordance with the law as to PCC elections, and
- (b) the act or omission did not affect the result.

(1) Section 9H was inserted by section 21 of, and Schedule 2 to, the Localism Act 2011 (c.20).

Loan of equipment for PCC elections

16.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament, may, on request, be lent to a local returning officer at a PCC election on such terms and conditions as the Secretary of State may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority within the meaning of the Local Government Act 1972⁽²⁾ must, on request, and if not required for immediate use by that authority, be lent to a local returning officer at a PCC election on such terms and conditions as may be agreed.

(2) 1972 c.70.