
STATUTORY INSTRUMENTS

2012 No. 1917

The Police and Crime Commissioner Elections Order 2012

PART 5

Miscellaneous and supplemental

Duty to notify appropriate officer of failure of PCC election

79. The police area returning officer must forthwith notify the appropriate officer for the police area where—

- (a) the poll at a PCC election is countermanded or abandoned for any reason, or
- (b) no person is or remains validly nominated as a candidate for election as police and crime commissioner, or
- (c) the election is for any other reason not held on the day required by section 50 (ordinary elections) of the 2011 Act or within the period prescribed by section 51 of that Act (election to fill vacancy in the office of police and crime commissioner).

Consequences where PCC election fails or is declared void

80.—(1) This article applies where—

- (a) a notice under article 79 is given to the appropriate officer for a police area, or
- (b) at the conclusion of a trial of a PCC election petition questioning the election of a police and crime commissioner for a police area, a specified notice is given to the appropriate officer for the police area certifying that the election court hearing the petition has determined that the election is void.

(2) For the purposes of section 59(1)(a) of the 2011 Act (date of vacancy in office of police and crime commissioner in consequence of failure of, or other irregularity in relation to, a PCC election), a vacancy in the office of police and crime commissioner in the police area is to be regarded as occurring on the day on which the notice referred to in paragraph (1) is received by the appropriate officer.

(3) The appropriate officer must give notice of the vacancy in accordance with section 59(3) to (5) of the 2011 Act and an election to fill the vacancy must be held under section 51 of that Act (election to fill a vacancy in office of police and crime commissioner).

(4) For the purposes of section 51(4) of the 2011 Act (which specifies the period within which the election must be held), the “relevant event” is the receipt of the notice referred to in paragraph (1) by the appropriate officer.

(5) In paragraph (1)(b), “specified notice” means a notice under section 145(6) of the 1983 Act, as applied by paragraph 1 of Schedule 9.

Status: Point in time view as at 25/07/2012.

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Validity of acts where PCC election declared void

81. The acts of a person elected as police and crime commissioner for a police area who acts in that office are, despite any determination of an election court that the person's election is void, as valid and effectual as if the person's election had not been declared void.

Access to marked registers and other documents open to public inspection after an election

82. Schedule 10 (which makes provision about access to marked registers etc after a PCC election) has effect.

Advertisements

83.—(1) The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ^{M1} apply in relation to the display on any site in England of an advertisement relating specifically to a PCC election as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

(2) The Town and Country Planning (Control of Advertisements) Regulations 1992 ^{M2} apply in relation to the display on any site in Wales of an advertisement relating specifically to a PCC election as they apply in relation to the display of an advertisement relating specifically to a pending parliamentary election.

Marginal Citations

M1 S.I. 2007/783.

M2 S.I. 1992/666.

Forms

84.—(1) The forms set out in this Order or forms substantially to the like effect may be used with such variations as the circumstances may require.

(2) But—

- (a) paragraph (1) does not apply to the ballot paper, and
- (b) any variations made by a local returning officer must, where appropriate, be in compliance with any directions issued by the police area returning officer under regulations made under section 54(2) of the 2011 Act (functions of returning officers).

(3) The registration officer must supply free of charge as many forms for use in connection with applications made under Schedule 2 (absent voting in PCC elections) as appear to that officer reasonable in the circumstances to any person who satisfies that officer of the person's intention to use the forms in connection with a PCC election.

Translations etc of certain documents

85.—(1) Paragraphs (2) and (3) apply to any document which under or by virtue of this Order is required or authorised to be given to voters or displayed in any place for the purposes of a PCC election.

(2) The person who is required or authorised to give or display the document must, as the person thinks appropriate, give or display or otherwise make available in such form as the person thinks appropriate—

- (a) the document in Braille;

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- (b) the document in languages other than English;
 - (c) graphical representations of the information contained in the document;
 - (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (3) The person required or authorised to give or display the document must also, as the person thinks appropriate, make available the information contained in the document in such audible form as the person thinks appropriate.
- (4) Paragraphs (2) and (3) do not apply to—
- (a) the nomination paper;
 - (b) the ballot paper.
- (5) The local returning officer at a PCC election must cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.
- (6) The sample copy mentioned in paragraph (5) must have printed the following words at the top of the list of candidates—
- (a) in the case of an election where there are three or more candidates—
“Vote once (X) in column 1 for your first choice, and
Vote once (X) in column 2 for your second choice”;
 - (b) in the case of an election where there are only two candidates—
“Vote (X) for one candidate only”;
- and may include a translation of those words into such other languages as the local returning officer thinks appropriate.

Public notices and declarations

- 86.**—(1) This article applies to any public notice which is required by this Order to be given by a police area returning officer or a local returning officer.
- (2) Public notice must be given by posting the notice in some conspicuous place or places in (as the case may be) the police area or voting area for which the officer acts, and may also be given in such other manner as the officer thinks desirable for publicising it.
- (3) Any person before whom a declaration is authorised to be made under this Order may take the declaration.

Sending of applications and notices; electronic signatures and related certificates

- 87.**—(1) The requirement in this Order that any application, notice, representation or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—
- (a) is transmitted by electronic means,
 - (b) is received in legible form, and
 - (c) is capable of being used for future reference.
- (2) The requirement in this Order for an application, notice, representation or objection to be signed is satisfied (as an alternative to a signature given by hand) where there is—
- (a) an electronic signature incorporated into or logically associated with a particular electronic communication, and
 - (b) the certification by any person of such a signature.

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(3) For the purposes of this Order, an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both, and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(4) For the purposes of this Order, an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature,
- (b) a means of producing, communicating or verifying the signature, or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Publication of documents

88.—(1) Any failure to publish a document in accordance with this Order does not invalidate the document, but this provision does not relieve any person from any penalty for such a failure.

(2) Where a document is made available for inspection, any person may make a copy (whether in handwriting or by other means) of the whole or any part of such a document.

(3) Paragraph (2) is subject to any restriction as to the making of copies which is imposed by—

- (a) paragraph 21(5) of Schedule 2;
- (b) paragraph 3(8) of Schedule 10;
- (c) an order for the inspection of documents which is made under rule 67 of the PCC Elections Rules.

Interference with notices

89. Any person who without lawful authority destroys, mutilates, defaces or removes—

- (a) any notice published by the registration officer in connection with the officer's registration duties, or
- (b) any copies of a document which have been made available for inspection in pursuance of those duties,

is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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