
STATUTORY INSTRUMENTS

2023 No. 1234 (C. 86)

REPRESENTATION OF THE PEOPLE

**The Elections Act 2022 (Commencement
No. 10 and Savings) Regulations 2023**

Made - - - - 20th November 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by section 67(1) and (4) of the Elections Act 2022⁽¹⁾.

Citation

1. These Regulations may be cited as the Elections Act 2022 (Commencement No. 10 and Savings) Regulations 2023.

Provisions coming into force on 12th December 2023

2. The following provisions of the Elections Act 2022 come into force on 12th December 2023—
- (a) section 4 (handling of postal voting documents by political campaigners);
 - (b) section 5 (handing in postal voting documents) so far as not already in force;
 - (c) section 7 (requirement of secrecy);
 - (d) section 12 (local elections and Assembly elections in Northern Ireland) so far as it relates to the provisions commenced by paragraph (e);
 - (e) the following paragraphs of Schedule 6 (local elections in Northern Ireland and elections to the Northern Ireland Assembly)—
 - (i) paragraph 1, so far as it relates to the provisions commenced by sub-paragraphs (ii) to (iv);
 - (ii) paragraphs 2 to 5;
 - (iii) paragraph 23, so far as it relates to paragraphs 25 and 27, and paragraphs 25 and 27;
 - (iv) paragraph 34(a) and (d);
 - (v) paragraph 35, so far as it relates to the provisions commenced by sub-paragraphs (vi) and (vii);
 - (vi) paragraph 37;

(1) 2022 c. 37.

(vii) paragraph 40, so far as it relates to paragraph 41, and paragraph 41.

Savings

3.—(1) The amendments made by the provisions listed in regulation 2 do not apply to an election or a referendum in relation to which the day of poll, as stated in the notice of election or referendum published in accordance with the relevant rule, is on or before 1st May 2024.

(2) In paragraph (1) the “relevant rule” means (as the case may be)—

- (a) in the case of a parliamentary election or an election to the Northern Ireland Assembly, rule 5 of Schedule 1 to the Representation of the People Act 1983(2);
- (b) in the case of a local election in Northern Ireland, rule 4 of Schedule 5 to the Electoral Law Act (Northern Ireland) 1962(3);
- (c) the corresponding rule to the rule referred to in sub-paragraph (a) in the rules made under—
 - (i) in the case of a combined authority mayoral election, paragraph 12(1)(a) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009(4);
 - (ii) in the case of a local authority mayoral election, section 9HE(1)(a) of the Local Government Act 2000(5);
 - (iii) in the case of a referendum under Part 1A of the Local Government Act 2000, section 9MG(2) or (3) of that Act(6);
 - (iv) in the case of a referendum under Chapter 4ZA of Part 1 of the Local Government Finance Act 1992, section 52ZQ(1) or (2) of that Act(7);
 - (v) in the case of a referendum under Schedule 4B to the Town and Country Planning Act 1990(8), paragraph 16(1) of that Schedule;
 - (vi) in the case of any other local government election, section 36 of the Representation of the People Act 1983(9);

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- (2) 1983 c. 2. Rule 5 was amended by Part 1 of Schedule 2 and paragraph 74 of Schedule 4 to the Representation of the People Act 1985 (c. 50), by paragraph 10(2) of Schedule 6 to the Representation of the People Act 2000 (c. 2), and by section 19(3) of the Electoral Administration Act 2006 (c. 22). See article 3(1) of, and Schedule 1 to, S.I. 2001/2599, by virtue of which Schedule 1 applies with modifications to elections to the Northern Ireland Assembly.
 - (3) 1962 c. 14 (N.I.). Schedule 5 was substituted by S.I. 1985/454 and rule 4 was further amended by S.I. 2010/2977.
 - (4) 2009 c. 20. Schedule 5B was inserted by section 2(2) of, and Schedule 1 to, the Cities and Local Government Devolution Act 2016 (c. 1), and was amended by section 2(2) of the Local Government (Disqualification) Act 2022 (c. 17), by section 13(13) and (14) of, and paragraph 6 of Schedule 5 to, the Elections Act 2022 (c. 37) and by S.I. 2021/1265.
 - (5) 2000 c. 22. Section 9HE was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20) and amended by S.I. 2013/2597, 2021/1265.
 - (6) Part 1A was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 and was amended by section 190(10) of the Health and Social Care Act 2012 (c. 7), by section 20 of the Cities and Local Government Devolution Act 2016 and by S.I. 2013/594, 2597, 2021/1265. Section 9MG was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 and was amended by S.I. 2013/2597, 2021/1265.
 - (7) 1992 c. 14. Chapter 4ZA was inserted by Schedule 5 to the Localism Act 2011 and was amended by section 3(5) to (7) of the Local Government Finance Act 2012 (c. 17), by section 41 of the Local Audit and Accountability Act 2014 (c. 2) and by S.I. 2013/733, 2021/1265. Section 52ZQ was inserted by section 72(1) of, and Schedule 5 to, the Localism Act 2011 and amended by S.I. 2021/1265.
 - (8) 1990 c. 8. Schedule 4B was inserted by section 116(2) of, and Schedule 10 to, the Localism Act 2011 and was amended by sections 140(1) and 141 of the Housing and Planning Act 2016 (c. 22) and by S.I. 2013/2597, 2018/1232, 2021/1265. It is prospectively amended by section 7 of the Neighbourhood Planning Act 2017 (c. 20) from a date and time to be appointed.
 - (9) Section 36 was amended by section 17 of the Representation of the People Act 1985, by section 10 of, and Schedule 17 to, the Local Government Act 1985 (c. 51), by Part 1 of Schedule 13 to the Education Reform Act 1988 (c. 40), by paragraph 68(8) of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 17 of Schedule 3 to the Local Government and Rating Act 1997 (c. 29), by paragraph 4 of Schedule 3 to the Greater London Authority Act 1999 (c. 29) and by section 13(2) of, and paragraph 2(4) of Schedule 2 to, the Local Government and Elections (Wales) Act 2021 (asc 1), and by S.I. 1991/1730.

(d) in the case of a ward election in the City of London, section 6 of the Act of Common Council of 14th July 1960⁽¹⁰⁾.

(3) In paragraph (2)—

“combined authority mayoral election” means an election for the return of a mayor as provided for in an order made under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009;

“local authority mayoral election” means an election in England for the return of an elected mayor as defined by section 9H(1) of the Local Government Act 2000⁽¹¹⁾;

“local election” has the same meaning as in section 130(1) of the Electoral Law Act (Northern Ireland) 1962⁽¹²⁾;

“local government election” has the same meaning as in section 203(1) of the Representation of the People Act 1983⁽¹³⁾.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Jacob Young
Parliamentary Under Secretary of State
Department for Levelling Up, Housing and
Communities

20th November 2023

⁽¹⁰⁾ Section 6 of the Act of Common Council made on 14th July 1960 has been amended by section 3 of the Act of Common Council made on 6th November 2008. A copy of either of these Acts of Common Council can be obtained from the Town Clerk’s Department, Guildhall, PO Box 270, London EC2P 2EJ or by emailing electoralservices@cityoflondon.gov.uk.

⁽¹¹⁾ Section 9H was inserted by paragraph 1 of Schedule 2 to the Localism Act 2011 (c. 20).

⁽¹²⁾ The definition of “local election” in section 130(1) was amended by S.I. 1985/454.

⁽¹³⁾ The definition of “local government election” was amended by paragraph 39(4)(c) of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the tenth commencement regulations under the Elections Act 2022 (c. 37) (“the Act”).

Regulation 2(a) commences section 4 of the Act, which inserts new section 112A into the Representation of the People Act 1983 (c. 2). New section 112A(1) provides that a person who is a political campaigner in respect of a parliamentary election or a local government election in England commits an offence (which is a corrupt practice) if the person handles a postal voting document that has been issued to another person for use in that election. New section 112A(2) to (4) provides certain defences to that offence. Section 112A(7) defines “political campaigner”.

Regulation 2(b) commences the remainder of section 5 of the Act. Section 5 makes amendments to the conduct rules for parliamentary elections (which are contained in Schedule 1 to the Representation of the People Act 1983) to allow admission to polling stations for persons who are handing in postal voting documents, and to ensure that handed in postal voting documents which have been rejected in accordance with relevant provisions regulating the handing in of postal voting documents are not classed as duly returned.

Regulation 2(c) commences section 7 of the Act, which amends section 66 of the Representation of the People Act 1983 to extend the requirement of secrecy to information contained in, and the completion of, postal ballot papers, and to limit the communication of such information by any person who has undertaken to assist a voter who is blind, disabled or is unable to read in voting.

Regulation 2(d) commences section 12 of, and Schedule 6 to, the Act in part, to the extent to which Schedule 6 makes equivalent provision to that made by sections 4, 5 and 7 of the Act in respect of local elections in Northern Ireland and elections to the Northern Ireland Assembly.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen. An impact assessment has been produced in relation to the Act and copies can be obtained at <https://bills.parliament.uk/publications/44886/documents/1304> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Elections Act 2022 have been brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	27.08.2022	2022/916
Section 1 (partially)	16.01.2023	2022/1401
Section 1 (remainder)	31.01.2024	2023/1145
Section 2 (partially)	27.08.2022	2022/916
Section 2 (partially)	16.01.2023	2022/1401

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3	31.10.2023	2023/1145
Section 5 (partially)	06.02.2023	2023/115
Section 6 (partially)	31.10.2023	2023/1145
Section 6 (partially)	31.01.2024	2023/1145
Section 8	01.11.2023	2023/1145
Section 9 (partially)	24.11.2022	2022/1226
Section 9 (remainder)	29.12.2022	2022/1270
Sections 10 and 11	01.11.2023	2023/1145
Section 12 (partially)	27.08.2022	2022/916
Section 12 (partially)	24.11.2022	2022/1226
Section 12 (partially)	29.12.2022	2022/1270
Section 12 (partially)	16.01.2023	2022/1401
Section 12 (partially)	31.10.2023	2023/1145
Section 12 (partially)	01.11.2023	2023/1145
Section 12 (partially)	31.01.2024	2023/1145
Section 13	26.10.2022	2022/1093
Section 14 (partially)	06.02.2023	2023/115
Section 15 (partially)	31.10.2023	2023/1145
Section 15 (partially)	01.11.2023	2023/1145
Section 15 (remainder)	07.05.2024	2023/1145
Sections 16 to 19	19.08.2022	2022/908
Sections 20 to 29	24.11.2022	2022/1226
Sections 30 to 53	01.11.2023	2023/1145
Section 54	19.05.2023	2023/552
Sections 55 to 61	01.11.2023	2023/1145
In Schedule 1—		
paragraph 1 (partially)	27.08.2022	2022/916
paragraph 1 (partially)	16.01.2023	2022/1401
paragraph 1 (remainder)	31.01.2024	2023/1145
paragraph 2 (partially)	27.08.2022	2022/916
paragraph 2 (remainder)	16.01.2023	2022/1401
paragraph 3 (partially)	27.08.2022	2022/916
paragraphs 3 (remainder) and 4	16.01.2023	2022/1401
paragraph 5 (partially)	27.08.2022	2022/916

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraph 5 (remainder)	16.01.2023	2022/1401
paragraph 6 (partially)	27.08.2022	2022/916
paragraphs 6 (remainder), 7, 8 and 9 (partially)	16.01.2023	2022/1401
paragraph 9 (remainder)	31.01.2024	2023/1145
paragraph 10 (partially)	27.08.2022	2022/916
paragraph 10 (partially)	16.01.2023	2022/1401
paragraph 10 (remainder)	31.01.2024	2023/1145
paragraph 11 (partially)	27.08.2022	2022/916
paragraph 11 (remainder)	31.01.2024	2023/1145
paragraphs 12 to 14	16.01.2023	2022/1401
paragraph 15 (partially)	27.08.2022	2022/916
paragraph 15 (partially)	16.01.2023	2022/1401
paragraph 15 (remainder)	31.01.2024	2023/1145
paragraph 16	16.01.2023	2022/1401
paragraph 17 (partially)	27.08.2022	2022/916
paragraph 17 (partially)	16.01.2023	2022/1401
paragraph 17 (remainder)	31.01.2024	2023/1145
paragraphs 18 to 23	16.01.2023	2022/1401
paragraph 24 (partially)	27.08.2022	2022/916
paragraphs 24 (remainder) and 25 (partially)	16.01.2023	2022/1401
paragraphs 25 (remainder) and 26	31.01.2024	2023/1145
paragraphs 27 to 29	16.01.2023	2022/1401
paragraph 30 (partially)	27.08.2022	2022/916
paragraphs 30 (remainder) and 31	16.01.2023	2022/1401
paragraph 32 (partially)	27.08.2022	2022/916
paragraphs 32 (remainder) and 33 to 40	16.01.2023	2022/1401
In Schedule 2—		
paragraphs 1 to 11 and 14 (partially)	27.08.2022	2022/916
paragraph 14 (remainder)	16.01.2023	2022/1401
Schedule 3	31.10.2023	2023/1145

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
In Schedule 4—		
paragraph 1 (partially)	31.10.2023	2023/1145
paragraph 1 (partially)	31.01.2024	2023/1145
paragraph 2 (partially)	31.10.2023	2023/1145
paragraph 2 (remainder)	31.01.2024	2023/1145
paragraph 3	31.10.2023	2023/1145
paragraph 4 (partially)	31.01.2024	2023/1145
paragraph 6 (partially)	31.10.2023	2023/1145
paragraphs 6 (remainder) and 7	31.01.2024	2023/1145
paragraphs 8 to 11	31.10.2023	2023/1145
Schedule 5	01.11.2023	2023/1145
In Schedule 6—		
paragraph 1 (partially)	24.11.2022	2022/1226
paragraph 1 (partially)	29.12.2022	2022/1270
paragraph 1 (partially)	16.01.2023	2022/1401
paragraph 1 (partially)	31.10.2023	2023/1145
paragraph 1 (partially)	31.01.2024	2023/1145
paragraph 6 (partially)	24.11.2022	2022/1226
paragraph 6 (partially)	29.12.2022	2022/1270
paragraph 6 (partially)	16.01.2023	2022/1401
paragraph 6 (partially)	01.11.2023	2023/1145
paragraph 6 (remainder)	31.01.2024	2023/1145
paragraphs 7 and 8	01.11.2023	2023/1145
paragraph 9	31.01.2024	2023/1145
paragraphs 10 and 11	16.01.2023	2022/1401
paragraph 12 (partially)	24.11.2022	2022/1226
paragraph 12 (partially)	29.12.2022	2022/1270
paragraph 12 (remainder)	31.01.2024	2023/1145
paragraph 13 (partially)	16.01.2023	2022/1401
paragraph 13 (remainder)	31.01.2024	2023/1145
paragraph 14 (partially)	16.01.2023	2022/1401
paragraph 14 (remainder)	31.01.2024	2023/1145
paragraph 15	16.01.2023	2022/1401
paragraph 16 (partially)	29.12.2022	2022/1270

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraphs 16 (remainder), 17 and 18	16.01.2023	2022/1401
paragraphs 19 and 20	31.01.2024	2023/1145
paragraph 21	01.11.2023	2023/1145
paragraph 22	29.12.2022	2022/1270
paragraph 23 (partially)	16.01.2023	2022/1401
paragraph 23 (partially)	31.10.2023	2023/1145
paragraph 23 (partially)	01.11.2023	2023/1145
paragraph 23 (partially)	31.01.2024	2023/1145
paragraph 24	01.11.2023	2023/1145
paragraph 26 (partially)	16.01.2023	2022/1401
paragraph 26 (partially)	31.10.2023	2023/1145
paragraph 26 (remainder)	31.01.2024	2023/1145
paragraph 28 (partially)	31.10.2023	2023/1145
paragraph 28 (remainder)	31.01.2024	2023/1145
paragraph 29	31.10.2023	2023/1145
paragraph 30 (partially)	27.08.2022	2022/916
paragraph 30 (remainder)	16.01.2023	2022/1401
paragraph 31	31.01.2024	2023/1145
paragraphs 32 and 33	31.10.2023	2023/1145
paragraph 34 (partially)	29.12.2022	2022/1270
paragraph 34 (partially)	31.01.2024	2023/1145
paragraph 35 (partially)	29.12.2022	2022/1270
paragraph 35 (partially)	16.01.2023	2022/1401
paragraph 35 (partially)	31.10.2023	2023/1145
paragraph 35 (partially)	01.11.2023	2023/1145
paragraph 35 (partially)	31.01.2024	2023/1145
paragraph 36	31.10.2023	2023/1145
paragraph 38	01.11.2023	2023/1145
paragraph 39	31.01.2024	2023/1145
paragraph 40 (partially)	16.01.2023	2022/1401
paragraphs 40 (partially) and 42	31.01.2024	2023/1145
paragraph 43	16.01.2023	2022/1401
paragraph 44	31.01.2024	2023/1145

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraph 45	31.10.2023	2023/1145
paragraph 46	29.12.2022	2022/1270
paragraphs 47 and 48	31.10.2023	2023/1145
In Schedule 7, paragraphs 1 (partially), 4, 14 (partially) and 17	06.02.2023	2023/115
In Schedule 8—		
paragraphs 1 to 8 (partially)	01.11.2023	2023/1145
paragraphs 1 to 8 (remainder) and 9	07.05.2024	2023/1145
paragraph 10 (partially)	01.11.2023	2023/1145
paragraphs 10 (remainder), 11 and 12	07.05.2024	2023/1145
paragraph 13	31.10.2023	2023/1145
Schedules 9 to 12	01.11.2023	2023/1145