

## SCHEDULES

### SCHEDULE 1

Rules for conduct of an election of councillors for a principal area where poll is not taken together with poll at another election

### PART 2

#### Notice of Election, Nomination and Method of Election

##### Notice of Election

##### **Notice of election**

3.—(1) The returning officer must publish notice of the election.

(2) The notice must state—

- (a) the number of councillors to be returned for each electoral ward in the principal area,
- (b) the date of the poll in the event of a contest,
- (c) the place where, and the times at which, forms of nomination paper may be obtained and information about how and when forms of nomination paper may be obtained online,
- (d) the latest time for the delivery of nomination papers, and
- (e) the place where nomination papers may be delivered and the times at which they may be delivered to that place.

(3) The notice must also state the date by which applications to vote by post or by proxy, and other applications and notices about postal or proxy voting, must reach the registration officer in order to be effective for the election.

(4) The place specified in the notice as the place where forms of nomination paper may be obtained, and where they may be delivered, must be at the offices of the council for the principal area.

(5) The returning officer must also include in the notice an electronic delivery statement.

(6) An electronic delivery statement is a statement that nomination papers may be delivered—

- (a) by being sent electronically to an email address in accordance with arrangements set out in the statement,
- (b) by submission online in accordance with arrangements set out in the statement, or
- (c) either by being sent electronically as mentioned in sub-paragraph (a) or by submission online as mentioned in sub-paragraph (b).

##### Nomination

##### **Duty of returning officer to supply forms of nomination etc.**

4.—(1) At the place and times for obtaining forms of nomination paper set out in the notice of election, the returning officer must—

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- (a) supply any person with as many forms of nomination paper as the person may require, and
  - (b) on request, prepare a nomination paper for signature.
- (2) The returning officer must also make arrangements to ensure that forms of nomination paper may be obtained online in accordance with the information given in the notice of election.
- (3) It is not, however, necessary for a nomination to be made on a form supplied by the returning officer or obtained online.

### **Nomination of candidates**

- 5.—**(1) A candidate must nominate themselves using a nomination paper in the form in Appendix 1 or a form to the like effect.
- (2) The nomination paper may be delivered either—
- (a) at the place specified by the returning officer in the notice of election, or
  - (b) in accordance with the arrangements set out in the electronic delivery statement.
- (3) The nomination paper must—
- (a) state the candidate’s full names, with the surnames placed first,
  - (b) if the candidate wishes, include a description that complies with rule 6,
  - (c) include a statement of party membership that complies with rule 8, and
  - (d) include the declarations set out in the form in Appendix 1, signed by the candidate.
- (4) If a candidate commonly uses forenames or surnames that are different in any respect from the forenames or surnames stated in accordance with paragraph (3)(a) (including where the difference is that the commonly used forenames or surnames are in a different order, include only some of the names or include additional names), the nomination paper may also state the commonly used forenames or surnames.
- (5) The nomination paper must be signed by the candidate in the presence of a witness who must attest the signature.
- (6) The nomination paper must be accompanied by a form (a “home address form”) that complies with rule 9.

### **Nomination papers: descriptions**

- 6.—**(1) This rule sets out requirements about the descriptions that may be included in a nomination paper as mentioned in rule 5(3)(b).
- (2) The description may be either—
- (a) a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under paragraph (3) or (as the case may be) paragraph (4), or
  - (b) the word “Independent” or the word “Annibynnol”, or both those words.
- (3) A description that is likely to lead electors to associate the candidate with a registered political party is permitted where—
- (a) the party is a qualifying party,
  - (b) the description is either—
    - (i) the party’s registered name or, if the party has registered a name in English and a name in Welsh, either or both of those names, or
    - (ii) a registered description of the party or, in the case of a description that has been registered in both English and Welsh, either or both of those descriptions, and

- (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of the party and received by the returning officer before the last time for the delivery of nomination papers.
- (4) A description that is likely to lead electors to associate the candidate with two or more registered political parties is permitted where—
  - (a) the parties are each qualifying parties,
  - (b) the description consists of the registered name of each of the parties shown in either or both of the versions described in paragraph (5), and
  - (c) the use of the description by the candidate is authorised by a certificate issued by or on behalf of the registered nominating officer of each of the parties and received by the returning officer before the last time for the delivery of nomination papers.
- (5) The versions referred to in paragraph (4)(b) are—
  - (a) a version showing (in any order) the parties’ registered names, together with the addition of any appropriate conjunctions and punctuation in English (“the English version”);
  - (b) a version showing (in any order) the parties’ registered names, together with the addition of any appropriate conjunctions and punctuation in Welsh (“the Welsh version”).
- (6) Where any of the parties has registered a name in English and a name in Welsh—
  - (a) the party’s registered name in English (and not the party’s registered name in Welsh) may be used in the English version, and
  - (b) the party’s registered name in Welsh (and not the party’s registered name in English) may be used in the Welsh version.
- (7) See also rule 7 (which sets out when and how the word “Wales”, “Welsh”, “Cymru” or “Cymreig” may be added to descriptions permitted under paragraph (3) or (4)).
- (8) A person is guilty of a corrupt practice if that person fraudulently purports to be authorised to issue a certificate under paragraph (3)(c) or (4)(c) on behalf of a registered political party’s nominating officer.
- (9) In this rule—
  - (a) references to a registered name of a registered political party are to a name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000<sup>(1)</sup>;
  - (b) references to a registered description of a registered political party are to a description of the party registered under section 28A of that Act<sup>(2)</sup>.
- (10) For the purposes of the application of this rule in relation to an election—
  - (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 on the day that is two days before the last day for the delivery of nomination papers at the election (disregarding any excluded day);
  - (b) a registered political party is a qualifying party if, on that day, the party is registered in respect of Wales in the Great Britain register maintained under Part 2 of that Act.

### **Addition of “Wales”, “Welsh”, “Cymru” or “Cymreig”**

7.—(1) This rule sets out when and how a candidate may make additions in a nomination paper to a description that the candidate is permitted to use under rule 6(3) or (4).

(2) Paragraph (3) applies where—

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(1) Section 28 was amended by section 48 of the Electoral Administration Act 2006.  
(2) Section 28A was inserted by section 49(1) of the Electoral Administration Act 2006.

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- (a) a registered name is or forms part of a description that a candidate is permitted to use under rule 6(3), and
  - (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.
- (3) The candidate may do one of the following—
- (a) add the word “Wales” before the name;
  - (b) add the word “Welsh” before the name;
  - (c) add the word “Cymru” after the name;
  - (d) add the word “Cymreig” after the name.
- (4) Paragraphs (5) and (6) apply where—
- (a) a registered name forms part of a description that a candidate is permitted to use under rule 6(4), and
  - (b) the registered name includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.
- (5) If the registered name is in the English version of the description (whether or not it is also in the Welsh version), the candidate may add either the word “Wales” or the word “Welsh” before the name in that version.
- (6) If the registered name is in the Welsh version of the description (whether or not it is also in the English version), the candidate may add either the word “Cymru” or the word “Cymreig” after the name in that version.
- (7) Paragraph (8) applies where—
- (a) a registered description is or forms part of a description that a candidate is permitted to use under rule 6(3), and
  - (b) the registered description includes none of the words “Wales”, “Welsh”, “Cymru” and “Cymreig”.
- (8) The candidate may do one of the following—
- (a) add the word “Wales” at the beginning of the registered description;
  - (b) add the word “Welsh” at the beginning of the registered description;
  - (c) add the word “Cymru” at the end of the registered description;
  - (d) add the word “Cymreig” at the end of the registered description.
- (9) For the purposes of paragraphs (3)(a) and (b) and (5), where the word “the” (or any word in another language that has the same function as the word “the”) appears at the beginning of a registered name, it must be ignored.
- (10) Where a candidate adds anything to a description in a nomination paper in accordance with this rule, references in the following provisions of this Schedule to the description are references to the description with the addition.

### **Nomination papers: statements of party membership**

**8.—(1)** This rule sets out the requirements for statements of party membership that must be included in nomination papers as mentioned in rule 5(3)(c).

(2) The statement must state whether the candidate has been a member of any registered political party at any time during the relevant period.

(3) If the candidate has been a member of one or more registered political parties at any time during the relevant period, the statement must also include the following information in relation to the party or (as the case may be) each of the parties of which the candidate has been a member—

- (a) the party’s registered name or, where the party has two registered names, the party’s registered names, and
- (b) the dates during the relevant period when the candidate has been a member of the party.

(4) Paragraph (3) does not apply where—

- (a) the nomination paper includes a description that is likely to lead electors to associate the candidate with a registered political party or with two or more registered political parties and is permitted under rule 6(3) or (as the case may be) rule 6(4), and
- (b) the candidate has not at any time during the relevant period been a member of a registered political party other than the party or parties to which that description relates.

(5) A candidate who knowingly fails to include in the nomination paper a statement of party membership that complies with the requirements of this rule is guilty of a corrupt practice.

(6) In this rule—

- (a) “registered political party” means a party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 at any time during the relevant period when the candidate is a member;
- (b) references to a registered name of a registered political party are to a name of the party registered under section 28 of that Act;
- (c) “the relevant period” means the period of 12 months ending with the day on which the notice of election is published.

**Home address forms**

9.—(1) This rule sets out the requirements for home address forms that must accompany nomination papers under rule 5(6)

(2) A home address form must state—

- (a) the candidate’s full names,
- (b) the candidate’s home address in full,
- (c) the candidate’s qualifying address or addresses, and
- (d) the qualification to which each qualifying address relates.

(3) The candidate’s qualifying address or addresses, and the qualification to which each qualifying address relates, depend on which one or more of options (a) to (d) on the nomination paper have been selected by the candidate, as set out in the following table.

<i>Option selected on nomination paper</i>	<i>Candidate’s qualifying address</i>	<i>Qualification to which candidate’s qualifying address relates</i>
Option (a)	The address in full in respect of which the candidate is registered as a local government elector	The qualification described in option (a) (registration as a local government elector for the area of the county or county borough council)
Option (b)	A description and the address of the land or premises that the candidate has occupied as owner or tenant (or, if the candidate is relying on	The qualification described in option (b) (occupation as owner or tenant, of land or other premises in the area of the county or county borough council)

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<i>Option selected on nomination paper</i>	<i>Candidate's qualifying address</i>	<i>Qualification to which candidate's qualifying address relates</i>
	more than one occupation to meet the qualification, the descriptions and addresses)	
Option (c)	The address of the candidate's place of work (or, if the candidate is relying on more than one place of work to meet the qualification, the addresses)	The qualification described in option (c) (principal or only place of work in the area of the county or county borough council)
Option (d)	The address or addresses in full where the candidate has resided	The qualification described in option (d) (residence in the area of the county or county borough council)

(4) If the candidate's nomination paper includes commonly used forenames or surnames, the home address form must also state the commonly used names.

(5) The home address form must also state—

- (a) the full names of the person who witnesses the candidate's signature on the nomination paper, and
- (b) that person's home address in full.

(6) The home address form may contain a statement made and signed by the candidate that the candidate's home address must not be made public.

(7) If the home address form contains such a statement, it must—

- (a) where the candidate's home address is in the United Kingdom, state the name of the relevant area (see paragraph (8));
- (b) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

(8) In this rule, "relevant area" means—

- (a) where the candidate's home address is in Wales—
  - (i) if the address is within a county, that county;
  - (ii) if the address is within a county borough, that county borough;
- (b) where the candidate's home address is in England—
  - (i) if the address is within a district for which there is a district council, that district;
  - (ii) if the address is within a county in which there are no districts with councils, that county;
  - (iii) if the address is within a London borough, that London borough;
  - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London;
  - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
- (c) where the candidate's home address is in Scotland, the local government area in which the address is situated;
- (d) where the candidate's home address is in Northern Ireland, the local government district in which it is situated.

### **Decisions as to validity of nomination papers**

**10.**—(1) This rule applies where a nomination paper and the accompanying home address form are delivered in accordance with these rules.

(2) The candidate stands nominated unless and until one of the following events occurs—

- (a) the returning officer decides that the nomination paper is invalid;
- (b) the returning officer is satisfied that the candidate has died;
- (c) the candidate withdraws.

(3) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate are not as required by law;
- (b) that the candidate's home address form does not comply with rule 9(2) to (6);
- (c) where the candidate's home address form contains a statement that the home address must not be made public, that the form does not comply with rule 9(7);
- (d) that the nomination paper is not signed by the candidate, or that the candidate's signature has not been attested, as required by rule 5(5).

(4) Subject to paragraph (5), the returning officer must, as soon as reasonably practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.

(5) If in the opinion of the returning officer a description in a nomination paper has been included in breach of rule 6(3) or (4) or 7, the returning officer must give a decision that the candidate's particulars are not as required by law—

- (a) as soon as reasonably practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours beginning with the close of the period for delivery of nomination papers.

(6) Where the returning officer decides that a nomination paper is invalid, the returning officer must endorse on the paper the fact of the decision and the reasons for it and sign the endorsement.

(7) The returning officer must give a notice to each candidate stating the returning officer's decision as to whether the candidate's nomination paper is valid or invalid.

(8) The returning officer's decision that a nomination paper is valid is final and may not be questioned in any proceedings.

(9) Except as provided by paragraph (8), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

### **Nomination in more than one electoral ward**

**11.**—(1) A candidate who is validly nominated for more than one electoral ward of the same principal area must withdraw from candidature in all those electoral wards except one.

(2) A candidate who does not withdraw as required by paragraph (1) is to be treated as having withdrawn from candidature in all the electoral wards in which the candidate was validly nominated.

### **Withdrawal of candidates**

**12.**—(1) A candidate may withdraw from candidature by giving a notice of withdrawal to the returning officer.

(2) The notice of withdrawal must be signed by the candidate in the presence of a witness who must attest the candidate's signature.

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### **Publication of statement of persons nominated**

**13.**—(1) The returning officer must prepare and publish a statement (a “statement of persons nominated”) showing—

- (a) the persons who have been and stand nominated, and
- (b) any other persons who have been nominated but no longer stand nominated, with the reason why they no longer stand nominated.

(2) The statement must show—

- (a) the names and descriptions (if any) of the persons nominated, as given in their nomination papers,
- (b) their home address information (see paragraph (3)), and
- (c) the information contained in their statements of party membership, as given in their nomination papers.

(3) In these rules, references to the home address information of a person nominated are to the following information as given in the home address form accompanying the nomination paper—

- (a) where the home address form contains a statement that the home address must not be made public, the information given in accordance with rule 9(7);
- (b) where the home address form does not contain such a statement, the address of the person nominated.

(4) The statement must show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surnames, the statement must show those persons arranged alphabetically in the order of their other names.

(5) Rule 14 (use of commonly used names) and rule 15 (names that are the same or similar) make further provision about the content of the statement of persons nominated.

### **Use of commonly used names in statement of persons nominated**

**14.**—(1) This rule applies where a person’s nomination paper gives commonly used forenames or surnames in accordance with rule 5(4).

(2) The statement of persons nominated must show the person’s commonly used forenames or surnames (instead of the forenames or surnames stated in the nomination paper in accordance with rule 5(3)(a)) unless the returning officer decides—

- (a) that the use of the person’s commonly used forenames or surnames may be likely to mislead or confuse electors, or
- (b) that the commonly used forenames or surnames are obscene or offensive.

(3) Where paragraph (2)(a) or (b) applies—

- (a) the statement of persons nominated must show the person’s other forenames or surnames as stated in the nomination paper in accordance with rule 5(3)(a) (instead of the commonly used forenames or surnames), and
- (b) the returning officer must give a notice to the candidate stating the reasons for refusing to allow the use of the commonly used forenames or surnames.

### **Names that are the same or similar**

**15.**—(1) This rule applies where, in preparing a statement of persons nominated, the returning officer decides that—

- (a) two or more of the names that would be shown on the statement are the same or so similar as to be likely to cause confusion,



- (b) each of the persons concerned has made a statement that they require their home address not to be made public (see rule 9(6)), and
  - (c) the information given in accordance with rule 9(7) is the same for each of them.
- (2) The returning officer may arrange for any of their particulars to be shown on the statement of persons nominated with such amendments or additions as the returning officer thinks appropriate to reduce the likelihood of confusion.
- (3) In deciding whether to make amendments or additions under this rule, the returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.
- (4) Where it is practicable to do so before the publication of the statement, the returning officer must consult any persons whose particulars are to be amended or added to under this rule.
- (5) The returning officer must give a notice to any person whose particulars are amended or added to under this rule, setting out the amendments or additions.
- (6) Anything done by a returning officer under this rule may not be questioned in any proceedings other than proceedings on an election petition.

#### **Correction of minor errors in nomination papers or home address forms**

- 16.**—(1) A returning officer may, at any time before the publication of the statement of persons nominated, correct minor errors in a nomination paper or home address form.
- (2) Errors which may be corrected include—
- (a) errors as to a person’s electoral number;
  - (b) obvious errors of spelling;
  - (c) errors as to the information given in accordance with rule 9(7) (information that must be included where the candidate has stated that the home address must not be made public).
- (3) Anything done by a returning officer in pursuance of this rule may not be questioned in any proceedings other than proceedings on an election petition.
- (4) In deciding whether to correct minor errors under this rule, a returning officer must have regard to any guidance given by the Electoral Commission for the purposes of this rule.

#### **Inspection of nomination papers**

- 17.**—(1) During the time for inspection, any person may inspect nomination papers that have been delivered.
- (2) In paragraph (1), “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.
- (3) A person inspecting nomination papers may take a copy of, or make extracts from, the papers.

#### **Inspection of home address forms**

- 18.**—(1) During the time for inspection, the home address form of a candidate standing nominated may be inspected by any of the following who wish to inspect it—
- (a) another candidate standing nominated in the same electoral ward;
  - (b) the election agent of another candidate standing nominated in that ward;
  - (c) in the case of another candidate standing nominated in that ward who is acting as their own election agent, another person selected by that candidate.

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(2) In paragraph (1), “the time for inspection” means ordinary office hours on any day after the last day for the delivery of nomination papers and before the day of the poll, other than an excluded day.

(3) A candidate or other person carrying out an inspection under this rule must not take a copy of, or make extracts from, a home address form.

(4) The returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule or for some other purpose authorised by law.

### **Adjournment of nomination proceedings in the case of riot**

**19.**—(1) This rule applies if proceedings for, or in connection with, nomination are interrupted or obstructed on any day by riot or open violence.

(2) The proceedings must be abandoned for that day.

(3) If the day on which the proceedings are abandoned is the last day for the delivery of nomination papers, the proceedings must be resumed on the next day.

(4) Where paragraph (3) requires proceedings to be resumed on the next day, the deadlines specified in the second column of the timetable in rule 1 for the delivery of nomination papers, the delivery of notices of withdrawals of candidature and the publication of the statement as to persons nominated are each extended by one day.

(5) Where proceedings are abandoned under this rule—

- (a) nothing may be done after the proceedings are resumed if the time for doing it had passed when the proceedings were abandoned, and
- (b) nothing done before the proceedings were abandoned is invalidated by reason of the abandonment.

### Method of Election

### **Decision as to whether election is contested and declaration of result if uncontested**

**20.**—(1) The returning officer must determine whether the number of persons remaining validly nominated for the electoral ward after any withdrawals under rule 12 exceeds the number of councillors to be elected.

(2) If the number of persons remaining validly nominated does not exceed the number of councillors to be elected, the returning officer must declare the person or persons standing validly nominated to be elected.

(3) The returning officer must also—

- (a) give a notice stating the names and addresses of those declared to be elected to the proper officer of the council for the principal area, and
- (b) publish their names.

(4) If the number of persons remaining validly nominated exceeds the number of councillors to be elected, a poll must be taken in accordance with Part 3.