

SCHEDULE 2

Modifications of Acts and statutory instrument

The Representation of the People Act 1983

1.—(1) The Representation of the People Act 1983(1) has effect in relation to the conduct of a combined authority mayoral election with the following modifications.

(2) Section 13AB(2) (alteration of registers: interim publication dates) has effect as if in subsection (5) for “returning officer” there were substituted “combined authority returning officer”.

(3) Section 13B(3) (alteration of registers: pending elections) has effect as if in subsection (5) in the definition of “the final nomination day” for “returning officer” there were substituted “combined authority returning officer”.

(4) Section 31(4) (polling districts and stations at local government elections) has effect as if for subsection (1) there were substituted—

“(1) For combined authority mayoral elections, the district council may divide an electoral division into polling districts, and may alter any polling district.”

(5) Section 35(5) (returning officers: local elections in England and Wales) has effect as if after subsection (2C) there were inserted—

“(2D) Subject to subsection (2E), each constituent council shall appoint an officer of the council to be the returning officer for the election of a combined authority mayor.

(2E) Where, in relation to an area within the area of the combined authority, there is both a district council which is a constituent council and a county council which is a constituent council, subsection (2D) shall only apply in relation to the district council.

(2F) In subsections (2D) and (2E), “constituent council” has the same meaning as in article 2 of the Combined Authorities (Mayoral Elections) Order 2017.”.

(6) Section 36(6) (local elections in England and Wales) has effect as if—

(a) in subsection (3) in paragraph (a), after “such a councillor,” there were inserted “or the election for a combined authority mayor”,

(b) after subsection (4B) there were inserted—

“(4C) All expenditure properly incurred by a returning officer or combined authority returning officer in relation to the holding of a combined authority mayoral election shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the combined authority, exceed that scale, be paid by the combined authority.”

(c) after subsection (6A) there were inserted—

“(6B) Subsection (6) above shall apply in relation to a combined authority mayoral election as it has effect in relation to an election of a councillor for any local government area in England and Wales, but taking the reference to the council of the area as a reference to the combined authority.”

(1) 1983 c. 2.

(2) Section 13AB was inserted by the Electoral Registration and Administration Act 2013 (c. 6), section 16.

(3) Section 13B was inserted by the Representation of the People Act 2000 (c. 2), section 8 and Schedule 1.

(4) Section 31 was amended by the Local Government Act 1985 (c.51), Schedule 17; by the Greater London Authority Act 1999 (c.29) Schedule 3; and by the Electoral Administration Act 2006 (c. 22), Schedule 1.

(5) Relevant amendments were made by the Local Government Act 1985, section 102 and Schedule 16.

(6) Relevant amendments were made by the Representation of the People Act 1985 (c. 50), section 17, by the Local Government and Rating Act 1997 (c. 29), section 33 and Schedule 3; and by the Local Government Act 1985, section 102 and Schedule 17.

- (7) Section 39(7) (local elections void etc. in England and Wales) has effect as if—
- (a) in subsection (1) for “returning officer” there were substituted “combined authority returning officer”;
 - (b) in subsection (2), after “other reason”, there were inserted “a combined authority mayoral election or”;
 - (c) in subsection (5), in paragraph (a), after “section 36 above”, there were inserted “or, in the case of a combined authority mayoral election, an order under paragraph 12 of Schedule 5B to the 2009 Act.”;
 - (d) in subsection (6), in paragraph (a)—
 - (i) in sub-paragraph (i), after “section 36)”, there were inserted “or Part 6 of the 2009 Act (and the order under paragraph 12 of Schedule 5B to that Act)”; and
 - (ii) there were omitted “, or, as the case may be, the district council, or Welsh county or county borough council.”.
- (8) Section 40(8) (timing as to local elections in England and Wales) has effect as if—
- (a) in subsection (1), after “the 1999 Act”, there were inserted “or an order under paragraph 3 or paragraph 12 of Schedule 5B to the 2009 Act”;
 - (b) in subsection (2), after “the 1999 Act” there were inserted “and (in the case of a combined authority mayoral election) paragraph 2 or an order under paragraph 3 or paragraph 12 of Schedule 5B to the 2009 Act”;
 - (c) in subsection (3)—
 - (i) after “section 36 above”, there were inserted “or an order under paragraph 3 or paragraph 12 of Schedule 5B to the 2009 Act”; and
 - (ii) after “such rules” (in both places) and “those rules”, there were inserted “or that order (as the case may be)”.
- (9) Section 46 (further provision as to local election voting) has effect as if subsection (1) were omitted.
- (10) Section 47 (loan of equipment for local elections) has effect as if in subsection (2)—
- (a) paragraph (b) were omitted; and
 - (b) for “those Acts”, there were substituted “that Act or Part 6 of the 2009 Act”.
- (11) Section 48 (validity of local elections and legal costs) has effect as if in subsection (1), after “section 42 above”, there were inserted “or an order under paragraph 12 of Schedule 5B to the 2009 Act”.
- (12) Section 50 (effect of mis-description) has effect as if in paragraph (c)—
- (a) after “this Part of this Act”, there were inserted “(as applied for the purposes of combined authority mayoral elections), and an order under paragraph 12 of Schedule 5B to the 2009 Act”; and
 - (b) the words “and the parliamentary elections rules,” were omitted.

(7) Relevant amendments were made by the Education Reform Act 1988 (c. 40), section 237 and Schedule 13; and the Local Government (Wales) Act 1994 (c. 19), section 66, Schedule 16 and Schedule 18.

(8) Relevant amendments were made by the Electoral Registration and Administration Act 2013 (c. 6), section 15; by the Representation of the People Act 1985 (c. 50), section 19(1) and by the Greater London Authority Act 1999 (c. 29), section 17 and Schedule 3.

(13) Section 52(9) (discharge of registration duties) has effect as if in subsections (1) and (4), after “this Act”, there were inserted “(including any such functions in relation to combined authority mayoral elections)”.

(14) Section 54(10) (payment of expenses of registration) has effect as if in subsection (1) after “this Act”, at the first place where these words appear, there were inserted “(including any such functions in relation to combined authority mayoral elections)”.

(15) Section 61(11) (other voting offences) has effect as if—

(a) after subsection (2A) insert there were inserted—

“(2B) In the case of a combined authority mayoral election, paragraph (a) of subsection (2) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as an elector otherwise than by proxy more than once at the same combined authority mayoral election.”

(b) after subsection (3A) there were inserted—

“(3B) In the case of a combined authority mayoral election, paragraph (a) of subsection (3) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as a proxy for the same elector more than once at the same combined authority mayoral election.”

(c) in subsection (6A), for “rule 40 (1ZC) or (1ZE) of the parliamentary elections rules”, there were substituted “rule 40(4) or (6) of the Combined Authority Mayoral Elections Rules”.

(16) Section 65A(12) (false statements in nomination papers etc.) has effect as if in subsection (1) after paragraph (aa) there were inserted—

“(ab) a statement under rule 6(7)(b) of the Combined Authority Mayoral Elections Rules which the person knows to be false in any particular, or”.

(17) Section 67 (appointment of election agent) has effect as if in subsection (2)—

(a) after “this Act”, where it first appears, there were inserted “or, in the case of a combined authority mayoral election, such of the provisions of this Act as are applied by an order under paragraph 12 of Schedule 5B to the 2009 Act,”;

(b) after “this Act”, in the second place, there were inserted “or, in the case of a combined authority mayoral election, any applicable provision of this Act,”

(c) in subsection (7) at the end there were inserted—

“(c) in relation to a combined authority mayoral election, the combined authority returning officer.”

(18) Section 68(13) (nomination of sub-agent) has effect as if—

(a) in subsection (1), after “an Authority election,” there were inserted “or combined authority mayoral election”;

(b) in subsection (3) for “second” there were substituted “fifth”.

(19) Section 69(14) (office of election agent or sub-agent) has effect as if in subsection (2) after paragraph (b) there were inserted—

(9) Relevant amendments were made by the Representation of the People Act 1985, section 24 and Schedule 4 and the Local Government (Wales) Act 1994, section 66 and Schedules 16 and 18.

(10) Relevant amendments were made by the Representation of the People Act 1985, section 24 and Schedule 4.

(11) Subsection (6A) was inserted by the Electoral Administration Act 2006, section 38(3).

(12) Section 65A was inserted by the Representation of the People Act 2000 (c. 2), section 15 and Schedule 6. Relevant amendments were made by the Political Parties and Elections Act 2009 (c. 12), section 39 and Schedule 6.

(13) Section 68 was amended by the Greater London Authority Act 1999, section 17 and Schedule 3.

(14) Relevant amendments were by the Greater London Authority Act 1999, section 17 and Schedule 3.

- “(c) of an election agent for a combined authority mayoral election shall be within the combined authority area for which the election of the combined authority mayor is held, and that of a sub-agent shall be in the area within which he or she is appointed to act.”
- (20) Section 70(15) (effect of default in election agent’s appointment) has effect as if—
- (a) in subsection (4)(a) for the words in brackets there were substituted “(or where, in the case of a combined authority mayoral election, the address is not given on that statement, the address as given in accordance with rule 9(b) of Schedule 1 or Schedule 3, as the case may be, to the Combined Authorities (Mayoral Elections) Order 2017”;
- (b) after subsection (7) there were inserted—
- “(7A) Subsection (6) applies whether or not a statement has been made under rule 6(7) of the Combined Authority Mayoral Elections Rules requiring the candidate’s home address not to be made public.”
- (21) Section 76 (limitation of election expenses) has effect as if for subsection (2) there were substituted—
- “(2) That maximum amount is £2,362 multiplied by the total number of constituent councils together with an additional 5.9p for every entry in the register of electors to be used at the election.”
- (22) Section 85 (penalty for “sitting or voting” where no return and declarations transmitted) has effect as if subsection (2) were omitted.
- (23) Section 85A(16) (disqualification where no return and declarations transmitted after election of Mayor of London) has effect as if—
- (a) for “an election of the Mayor of London” there were substituted “a combined authority mayoral election”; and
- (b) for “Mayor of London”, in the second place, there were substituted “combined authority mayor”.
- (24) Section 87A(17) (duty of appropriate officer to forward returns and declarations to Electoral Commission) has effect as if in subsection (1) after paragraph (b) there were inserted “or, (c) a combined authority mayoral election”.
- (25) Section 94(18) (imitation poll cards) has effect as if in subsection (2)—
- (a) after “section 36” there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”; and
- (b) after “the rules”, there were inserted “or, as the case may be, the order”.
- (26) Section 96(19) (schools and rooms for local election meetings) has effect as if in subsection (1), after “section 36”, there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”.
- (27) Section 97 (disturbances at election meetings) has effect as if in subsection (2), in paragraph (b), after “section 36”, there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”.
- (28) Section 99 (officials not to act for candidates) has effect as if in subsection (1), in paragraph (b), after “section 36”, there were inserted “above, or an order under paragraph 12 of Schedule 5B to the 2009 Act”.

(15) Subsection (7) was inserted by the Political Parties and Elections Act 2009, section 39 and Schedule 6.

(16) Section 85A was inserted by the Greater London Authority Act 1999, section 17 and Schedule 3.

(17) Section 87A was inserted by the Political Parties, Elections and Referendums Act 2000, section 138 and Schedule 18.

(18) Subsection (2) was inserted by the Representation of the People Act 1985, section 24 and Schedule 4.

(19) Section 96 was substituted by the Representation of the People Act 1985, section 24 and Schedule 4; other relevant amendments were made by the Greater London Authority Act 1999, section 17 and Schedule 3.

(29) Section 118A(20) (meaning of candidate) has effect as if in subsection (3), after “local government Act”, there were inserted “or at an election for a combined authority mayor under the 2009 Act”.

(30) Section 199B(21) (translation of certain documents) has effect as if in subsection (6), after paragraph (b) there were inserted—

“(ba) in the case of an election for a combined authority mayor under the 2009 Act, must have printed at the top of the list of candidates the words “Vote (x) for one candidate only” if there are only two candidates, or the words “Vote once (x) in column A for your first choice, and Vote once (x) in column B for your second choice” if there are three or more candidates;”.

(31) Section 203(22) (local government provisions as to England and Wales) has effect as if in subsection (1)—

(a) after the definition of “the 1999 Act”, there were inserted—

““the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;”

(b) after the definition of “Authority election” there were inserted—

““combined authority” means an authority established under section 103(1) of the 2009 Act;”

“combined authority mayoral election” means the election of a mayor for a combined authority under Part 6 of the 2009 Act;

“combined authority returning officer” has the same meaning as in article 2 of the Combined Authorities (Mayoral Elections) Order 2017.”

(c) in the definition of “electoral area” after paragraph (c) there were inserted—

“(d) the combined authority area for which the election of a combined authority mayor is held under the 2009 Act;”

(d) in the definition of “local government election”, at the end of paragraph (b), there were inserted—

“or

(c) any combined authority mayoral election;”.

(e) in subsection (1A), at the end, there were inserted “or a combined authority mayoral election”.

(32) Schedule 4A(23) (election expenses) has effect as if in paragraph 7 for “rule 9 of Schedule 1 to this Act” there were substituted “rule 10 of Schedule 1 or Schedule 3, as the case may be, to the Combined Authorities (Mayoral Elections) Order 2017”.

(20) Section 118A was inserted by the Political Parties, Elections and Referendums Act 2000, section 135.

(21) Section 199B was inserted by the Electoral Administration Act 2006, section 36.

(22) Relevant amendments were made by the Representation of the People Act 1985, section 24 and Schedule 4 and by the Greater London Authority Act 1999, section 17 and Schedule 3.

(23) Schedule 4A was inserted by the Electoral Administration Act 2006, section 27.