



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

##### Modifications etc. (not altering text)

C1 Pt. I (ss. 1–66) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 2(6)

#### *Parliamentary and local government franchise*

##### [<sup>F1</sup>1 Parliamentary electors.

- (1) A person is entitled to vote as an elector at a parliamentary election in any constituency if on the date of the poll he—
  - (a) is registered in the register of parliamentary electors for that constituency;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
  - (a) more than once in the same constituency at any parliamentary election; or
  - (b) in more than one constituency at a general election.]

##### Textual Amendments

F1 S. 1 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 1\(1\)](#); S.I. [2001/116, art. 2\(1\)\(2\)](#) (with s. 2(4))

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## [<sup>F2</sup>2 Local government electors.

- (1) A person is entitled to vote as an elector at a local government election in any electoral area if on the date of the poll he—
  - (a) is registered in the register of local government electors for that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
  - (a) more than once in the same electoral area at any local government election; or
  - (b) in more than one electoral area at an ordinary election for a local government area which is not a single electoral area.]

### Textual Amendments

- F2** S. 2 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 1(1); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

## 3 Disfranchisement of offenders in prison etc.

- (1) A convicted person during the time that he is detained in a penal institution in pursuance of his sentence [<sup>F3</sup>or unlawfully at large when he would otherwise be so detained] is legally incapable of voting at any parliamentary or local government election.
- (2) For this purpose—
  - (a) “convicted person” means any person found guilty of an offence (whether under the law of the United Kingdom or not), including a person found guilty by a courtmartial under the <sup>M1</sup>Army Act 1955, the <sup>M2</sup>Air Force Act 1955 or the <sup>M3</sup>Naval Discipline Act 1957 or on a summary trial under section 49 of the Naval Discipline Act 1957, or by a Standing Civilian Court established under the <sup>M4</sup>Armed Forces Act 1976, but not including a person dealt with by committal or other summary process for contempt of court; and
  - (b) “penal institution” means an institution to which the <sup>M5</sup>Prison Act 1952, the <sup>M6</sup>Prisons (Scotland) Act 1952 or the <sup>M7</sup>Prison Act (Northern Ireland) 1953 applies; and
  - (c) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence.
- (3) It is immaterial for the purposes of this section whether a conviction or sentence was before or after the passing of this Act.

### Textual Amendments

- F3** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 1

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**Modifications etc. (not altering text)**

- C2** S. 3(1)(2) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989](#) (c. 3, SIF 42), ss. 2, 13(6), [Sch. 1 Pt. I](#)

**Marginal Citations**

- M1** 1955 c. 18.  
**M2** 1955 c. 19.  
**M3** 1957 c. 53.  
**M4** 1976 c. 52.  
**M5** 1952 c. 52.  
**M6** 1952 c. 61.  
**M7** 1953 c. 18 (N.I.)

**[<sup>F4</sup>3A Disfranchisement of offenders detained in mental hospitals.**

- (1) A person to whom this section applies is, during the time that he is—
- (a) detained at any place in pursuance of the order or direction by virtue of which this section applies to him, or
  - (b) unlawfully at large when he would otherwise be so detained, legally incapable of voting at any parliamentary or local government election.
- (2) As respects England and Wales, this section applies to the following persons—
- (a) any person in respect of whom—
    - (i) an order has been made under section 37, 38, 44 or 51(5) of the <sup>M8</sup>Mental Health Act 1983, or
    - (ii) a direction has been given under section 45A, 46 or 47 of that Act;
  - (b) any person in respect of whom an order has been made under section 5(2)(a) of the <sup>M9</sup>Criminal Procedure (Insanity) Act 1964; and
  - (c) any person in respect of whom the Court of Appeal has made an order under—
    - (i) section 6(2)(a) of the <sup>M10</sup>Criminal Appeal Act 1968, or
    - (ii) section 14(2)(a) of that Act.
- (3) As respects Scotland, this section applies to the following persons—
- (a) any person in respect of whom an order has been made under section 53, 54, 57(2)(a) or (b) or 58 of the <sup>M11</sup>Criminal Procedure (Scotland) Act 1995; and
  - (b) any person in respect of whom a direction has been given under section 69 of the <sup>M12</sup>Mental Health (Scotland) Act 1984 or section 71 of that Act (being a person to whom that section applies by virtue of subsection (2)(a) of that section) or section 59A of that Act of 1995.
- (4) As respects Northern Ireland, this section applies to the following persons—
- (a) any person in respect of whom—
    - (i) an order has been made under Article 44, 45, 50A(2)(a) or 57(5) of the <sup>M13</sup>Mental Health (Northern Ireland) Order 1986, or
    - (ii) a direction has been given under Article 52 or 53 of that Order; and
  - (b) any person in respect of whom the Court of Appeal has made an order under—
    - (i) section 11(1)(b) or (2)(b) of the <sup>M14</sup>Criminal Appeal (Northern Ireland) Act 1980, or
    - (ii) section 13(5A) of that Act.

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- (5) As respects any part of the United Kingdom, this section applies to any person in respect of whom an admission order has been made under—
- (a) section 116B of the <sup>M15</sup>Army Act 1955 or the <sup>M16</sup>Air Force Act 1955, or
  - (b) section 63B of the <sup>M17</sup>Naval Discipline Act 1957.
- (6) In this section any reference to a person in respect of whom any order or direction falling within subsection (2), (3) or (4) has been made or given includes a reference to a person in respect of whom any such order or direction is, by virtue of any enactment, to be treated as having been made or given in connection with his transfer to a place in the part of the United Kingdom mentioned in that subsection.
- (7) Any reference in any of subsections (2) to (4) above to a provision of any Act or Order includes a reference to any earlier provision (whether of that Act or Order as originally enacted or made or as previously amended, or otherwise) to the like effect.]

#### Textual Amendments

- F4** S. 3A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 2; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

- C3** S. 3A(1)(4)-(7) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(2); S.I. 2001/116, art. 2(1) (with art. 2(4))

#### Marginal Citations

- M8** 1983 c. 20.  
**M9** 1964 c. 84.  
**M10** 1968 c. 19.  
**M11** 1995 c. 46.  
**M12** 1984 c. 36.  
**M13** S.I. 1986/595 (N.I. 4).  
**M14** 1980 c. 47.  
**M15** 1955 c. 18.  
**M16** 1955 c. 19.  
**M17** 1957 c. 53.

### [<sup>F5</sup> Entitlement to registration]

#### Textual Amendments

- F5** S. 4 and preceding cross-heading substituted for s. 4 (29.1.2001 for specified purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 1(2); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

### [<sup>F6</sup> Entitlement to be registered as parliamentary or local government elector.

- (1) A person is entitled to be registered in the register of parliamentary electors for any constituency or part of a constituency if on the relevant date he—
- (a) is resident in the constituency or that part of it;
  - (b) is not subject to any legal incapacity to vote (age apart);

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- (c) is either a qualifying Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age.
- (2) A person is not entitled to be registered in the register of parliamentary electors for any constituency in Northern Ireland unless, in addition to complying with subsection (1) above, he has been resident in Northern Ireland during the whole of the period of three months ending on the relevant date.
- (3) A person is entitled to be registered in the register of local government electors for any electoral area if on the relevant date he—
  - (a) is resident in that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age.
- (4) The preceding provisions have effect—
  - (a) subject to—
    - (i) any enactment imposing a disqualification for registration as a parliamentary, or (as the case may be) local government, elector; and
    - (ii) compliance with any prescribed requirements; and
  - (b) (as respects registration as a parliamentary elector) without prejudice to section 2(1) of the Representation of the <sup>M18</sup>People Act 1985 (registration of British citizens overseas).
- (5) A person otherwise qualified is (despite subsection (1)(d) or (3)(d), as the case may be) entitled to be registered in a register of parliamentary electors or local government electors if he will attain voting age before the end of the period of 12 months beginning with the 1st December next following the relevant date, but—
  - (a) his entry in the register shall give the date on which he will attain that age; and
  - (b) until the date given in the entry he shall not by virtue of the entry be treated as an elector for any purposes other than those of an election the date of the poll for which is the date so given or any later date.
- (6) In this section—
  - “qualifying Commonwealth citizen” means a Commonwealth citizen who either—
    - (a) is not a person who requires leave under the <sup>M19</sup>Immigration Act 1971 to enter or remain in the United Kingdom, or
    - (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave;
  - “the relevant date”, in relation to a person, means—
    - (a) the date on which an application for registration is made (or, by virtue of section 10A(2) below, is treated as having been made) by him;
    - (b) in the case of a person applying for registration in pursuance of a declaration of local connection or a service declaration, the date on which the declaration was made.]

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#### Textual Amendments

**F6** S. 4 and preceding cross-heading substituted for s. 4 (29.1.2001 for specified purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 1(2); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Marginal Citations

**M18** 1985 c. 50.

**M19** 1971 c. 77.

### [<sup>F7</sup>5 **Residence: general.**

- (1) This section applies where the question whether a person is resident at a particular address on the relevant date for the purposes of section 4 above falls to be determined for the purposes of that section.
- (2) Regard shall be had, in particular, to the purpose and other circumstances, as well as to the fact, of his presence at, or absence from, the address on that date.  
  
 For example, where at a particular time a person is staying at any place otherwise than on a permanent basis, he may in all the circumstances be taken to be at that time—
  - (a) resident there if he has no home elsewhere, or
  - (b) not resident there if he does have a home elsewhere.
- (3) For the purpose of determining whether a person is resident in a dwelling on the relevant date for the purposes of section 4 above, his residence in the dwelling shall not be taken to have been interrupted by reason of his absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him if—
  - (a) he intends to resume actual residence within six months of giving up such residence, and will not be prevented from doing so by the performance of that duty; or
  - (b) the dwelling serves as a permanent place of residence (whether for himself or for himself and other persons) and he would be in actual residence there but for his absence in the performance of that duty.
- (4) For the purposes of subsection (3) above any temporary period of unemployment shall be disregarded.
- (5) Subsection (3) above shall apply in relation to a person's absence by reason of his attendance on a course provided by an educational institution as it applies in relation to a person's absence in the performance of any duty such as is mentioned in that subsection.
- (6) Subject to sections 7 and 7A below, a person who is detained at any place in legal custody shall not, by reason of his presence there, be treated for the purposes of section 4 above as resident there.]

#### Textual Amendments

**F7** S. 5 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 3; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

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#### Modifications etc. (not altering text)

- C4** S. 5 extended (N.I.) (with modifications) (16.2.2001) by 1989 c. 3, **Sch. 1 Pt. I** (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(4)**; S.I. 2001/116, **art. 2(1)** (with art. 2(4)))
- C5** S. 5 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, **Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)

## 6 Residence: merchant seamen.

At any time when a merchant seaman is not resident in the United Kingdom and would have been resident there but for the nature of his occupation, he shall be entitled to be treated for the purposes of [<sup>F8</sup>section 4 above]as resident—

- (a) at any place at which he would have been resident but for the nature of his occupation; or
- (b) at any hostel or club providing accommodation for merchant seamen at which he commonly stays in the course of his occupation.

For this purpose “merchant seaman” means any person not having a service qualification whose employment or the greater part of it is carried out on board seagoing ships, and includes any such person while temporarily without employment.

#### Textual Amendments

- F8** Words in s. 6 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 2**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### Modifications etc. (not altering text)

- C6** Ss. 5, 6, 7(1) applied by Representation of the People Act 1985 (c. 50, SIF 42), s. 27(2)
- C7** Ss. 5–7 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(5)(6), **Sch. 1 Pt. I** (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(4)**; S.I. 2001/116, **art. 2(1)** (with art. 2(4)))
- C8** Ss. 5, 6, 7(1) applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 7(4)**
- C9** S. 6 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, **Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)

## [<sup>F9</sup>7 Residence: patients in mental hospitals who are not detained offenders or on remand.

- (1) This section applies to a person who—
  - (a) is a patient in a mental hospital (whether or not he is liable to be detained there), but
  - (b) is not a person to whom section 3A above or section 7A below applies.
- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the mental hospital in question if the length of the period which he is likely to spend at the hospital is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—

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- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
  - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),
- whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).
- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—
- (a) by virtue of his residence at some place other than the mental hospital in which he is a patient, or
  - (b) in pursuance of a declaration of local connection.
- (6) In this section “mental hospital” means any establishment (or part of an establishment) maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder; and for this purpose “mental disorder”—
- (a) in relation to England or Wales, has the same meaning as in the <sup>M20</sup>Mental Health Act 1983,
  - (b) in relation to Scotland, has the same meaning as in the <sup>M21</sup>Mental Health (Scotland) Act 1984, and
  - (c) in relation to Northern Ireland, has the same meaning as in the <sup>M22</sup>Mental Health (Northern Ireland) Order 1986.]

#### Textual Amendments

**F9** S. 7 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 4; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

**C10** S. 7 extended (N.I.) (with modifications) (16.2.2001) by 1989 c. 3, Sch. 1 (as amended by 2000 c. 2, s. 8, Sch. 3 paras. 3(4), 4(2))

**C11** S. 7 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I

#### Marginal Citations

**M20** 1983 c. 20.

**M21** 1984 c. 36.

**M22** S.I. 1986/595 (N.I. 4).

#### [<sup>F10</sup>7A Residence: persons remanded in custody etc.

- (1) This section applies to a person who is detained at any place pursuant to a relevant order or direction and is so detained otherwise than after—
- (a) being convicted of any offence, or
  - (b) a finding in criminal proceedings that he did the act or made the omission charged.



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- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the place at which he is detained if the length of the period which he is likely to spend at that place is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—
- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
  - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),
- whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).
- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—
- (a) by virtue of his residence at some place other than the place at which he is detained, or
  - (b) in pursuance of a declaration of local connection.
- (6) In this section “a relevant order or direction” means—
- (a) a remand or committal in custody;
  - (b) a remand to a hospital under section 35 or 36 of the <sup>M23</sup>Mental Health Act 1983 or Article 42 or 43 of the <sup>M24</sup>Mental Health (Northern Ireland) Order 1986;
  - (c) a direction for removal to a hospital under section 48 of that Act or Article 54 of that Order;
  - (d) a committal to a hospital under section 52 of the <sup>M25</sup>Criminal Procedure (Scotland) Act 1995; or
  - (e) a transfer order under section 70 of the <sup>M26</sup>Mental Health (Scotland) Act 1984 or a transfer direction under section 71 of that Act made in respect of a person to whom that section applies by virtue of subsection (2)(c) of that section.]

#### Textual Amendments

**F10** S. 7A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 5; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

**C12** Ss. 7-7C extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(6), [Sch. 1 Pt. I](#) (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 paras. 3(4), 4(2); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5)))

**C13** S. 7A applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, [Sch. Pt. I](#)

#### Marginal Citations

**M23** 1983 c. 20.

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**M24** S.I. 1986/595 (N.I. 4).

**M25** 1995 c. 43.

**M26** 1984 c. 36.

**[<sup>F11</sup>7B Notional residence: declarations of local connection.**

- (1) A declaration under this section (“a declaration of local connection”)—
  - (a) may be made only by a person to whom this section applies, but
  - (b) may be made by such a person despite the fact that by reason of his age he is not entitled to vote.
- (2) This section applies to any person who on the date when he makes such a declaration is—
  - (a) a person to whom section 7 above applies and who would not be entitled to be registered by virtue of residence at any place other than the mental hospital (within the meaning of that section) at which he is a patient, or
  - (b) a person to whom section 7A applies and who would not be entitled to be registered by virtue of residence at any place other than the place at which he is detained as mentioned in subsection (1) of that section, or
  - (c) a person who does not fall within paragraph (a) or (b) above (and is not otherwise in legal custody) and who is not, for the purposes of section 4 above, resident at any address in the United Kingdom (a “homeless person”).
- (3) A declaration of local connection shall state—
  - (a) the name of the declarant and either—
    - (i) an address to which correspondence for him from either the registration officer concerned or the returning officer can be delivered, or
    - (ii) that he is willing to collect such correspondence periodically from the registration officer’s office;
  - (b) the date of the declaration;
  - (c) that on the date of the declaration the declarant falls into one of the categories of persons to whom this section applies, specifying—
    - (i) the category in question, and
    - (ii) (in the case of a person falling within subsection (2)(a) or (b) above) the name and address of the mental hospital at which he is a patient or (as the case may be) of the place at which he is detained;
  - (d) the required address (as defined by subsection (4) below);
  - (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or (if the declaration is made for the purposes only of local government elections) a relevant citizen of the Union;
  - (f) whether the declarant has on the date of the declaration attained the age of 18 years, and, if he has not, the date of his birth.
- (4) For the purposes of this section “the required address” is—
  - (a) in the case of a person falling within subsection (2)(a) or (b) above—
    - (i) the address in the United Kingdom where he would be residing if he were not such a patient, or detained, as mentioned in that provision, or
    - (ii) if he cannot give such an address, an address in the United Kingdom at which he has resided;

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- (b) in the case of a homeless person, the address of, or which is nearest to, a place in the United Kingdom where he commonly spends a substantial part of his time (whether during the day or at night).
- (5) Where a declaration of local connection is made for the purposes of registration in Northern Ireland, the declaration must state that the declarant has been in Northern Ireland during the whole of the period of three months ending on the date of the declaration.
- (6) Where a declaration of local connection made by a homeless person is delivered to the registration officer concerned during the period—
- (a) beginning with the date when a vacancy occurs—
    - (i) in the seat for the parliamentary constituency within which the required address falls, or
    - (ii) in the seat for any Scottish Parliament constituency or National Assembly for Wales constituency within which it falls, and
  - (b) ending on the final nomination day (within the meaning of section 13B below) for the parliamentary by-election, or (as the case may be) the election under section 9 of the <sup>M27</sup>Scotland Act 1998 or section 8 of the <sup>M28</sup>Government of Wales Act 1998, held in respect of that vacancy,
- the declaration must state that, during the period of three months ending on the date of the declaration, the declarant has commonly been spending a substantial part of his time (whether during the day or at night) at, or near, the required address.
- (7) No declaration of local connection shall be specially made by a person for the purposes of local government elections, and any such declaration made for the purposes of parliamentary elections shall have effect also for the purposes of local government elections; but—
- (a) a declaration of local connection may be made for the purposes only of local government elections by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections or by a relevant citizen of the Union; and
  - (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other declarations of local connection.
- (8) If a person—
- (a) makes a declaration of local connection stating more than one address under subsection (3)(d) above, or
  - (b) makes more than one declaration of local connection bearing the same date and stating different addresses under that provision,
- the declaration or declarations shall be void.
- (9) A declaration of local connection may be cancelled at any time by the declarant.
- (10) A declaration of local connection shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.]

#### Textual Amendments

**F11** Ss. 7B, 7C inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 6; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

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#### Modifications etc. (not altering text)

- C14** S. 7B applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch.  
**C15** Ss. 7-7C extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 paras. 3(4), 4(2); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5)))

#### Marginal Citations

- M27** 1998 c. 46.  
**M28** 1998 c. 38.

### <sup>F12</sup>7C Effect of declaration of local connection.

- (1) Where a person's declaration of local connection is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—
  - (a) resident on the date of the declaration at the address stated in it in accordance with section 7B(3)(d) above; and
  - (b) for the purposes of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending with that date.
- (2) A person registered in a register of electors in pursuance of a declaration of local connection is entitled to remain so registered until—
  - (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
  - (b) the declaration is cancelled under section 7B(9) above, or
  - (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a declaration of local connection),
 whichever first occurs.
- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further declaration of local connection.
- (4) This section shall not be taken as precluding the registration of a person falling within section 7B(2)(a) or (b) above in pursuance of an application made by virtue of section 7(2) or 7A(2) above.

#### Textual Amendments

- F12** Ss. 7B, 7C inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 6; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

- C16** S. 7C extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(4); S.I. 2001/116, art. 2(1), (with art. 2(3)-(5)))  
 S. 7C applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I

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### *Registration of parliamentary and local government electors*

## **8 Registration officers.**

(1) For the registration of electors there shall be electoral registration officers (in this Act referred to as “registration officers”).

(2) In England <sup>F13</sup> . . . —

- (a) the council of every district and London borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the district or borough, and
- (b) the Common Council shall appoint an officer to be registration officer for the part of the constituency containing the City and the Inner Temple and the Middle Temple.

[<sup>F14</sup>(2A) In Wales, the council of every county or county borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the area of the council.]

[<sup>F15</sup>(3) In Scotland, every local authority shall appoint an officer of the authority for their area or for any adjoining area, or an officer appointed by any combination of local authorities, to be registration officer for any constituency or part of a constituency which is situated within their area.]

(4) In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the registration officer for each constituency.

#### **Textual Amendments**

**F13** Words in s. 8(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(1), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F14** S. 8(2A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(1)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F15** S. 8(3) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(2)**; S.I. 1996/323, art. 4(b)(c)

#### **Modifications etc. (not altering text)**

**C17** S. 8(2): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1 D1**

## [<sup>F169</sup> **Registers of electors.**

(1) Each registration officer shall maintain—

- (a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and
- (b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.

(2) Each register shall contain—

- (a) the names of the persons appearing to the registration officer to be entitled to be registered in it (subject to their complying with any prescribed requirements);

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- (b) (subject to any prescribed exceptions) the qualifying addresses of the persons registered in it; and
  - (c) in relation to each such person, that person’s electoral number.
- (3) A person’s electoral number is such number (with or without any letters) as is for the time being allocated by the registration officer to that person as his electoral number for the purposes of the register in question.
- (4) Electoral numbers shall be allocated by a registration officer in such a way as to ensure, so far as is reasonably practicable, that in each separate part of a register the numbers run consecutively.
- (5) The registers of parliamentary electors and of local government electors shall so far as practicable be combined, the names of persons registered only as parliamentary electors or local government electors being marked to indicate that fact.
- (6) A registration officer’s duty under subsection (1) above includes the duty to take reasonable steps to obtain information required by him in connection with the performance of his duty under that subsection (without prejudice to any specific requirement of this Act or regulations under it).
- (7) Where under this section two or more registration officers maintain registers of parliamentary electors in respect of different parts of the same constituency, then in relation to that constituency any reference in this Act (whether express or implied) to the register of parliamentary electors for a constituency shall be read—
- (a) as a reference to one of those registers, or
  - (b) in relation to one of those registration officers, as the register maintained by him,
- as the context may require.
- (8) In this Act—
- (a) any reference, in relation to a registration officer, to “his” registers is a reference to the registers maintained by him under this section; and
  - (b) “qualifying address”, in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered.]

#### Textual Amendments

**F16** S. 9 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 3**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)

#### Modifications etc. (not altering text)

**C18** S. 9 extended (with modifications) (N.I.) by **Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42)** ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**); S.I. 2001/116, **art. 2(1)** (with **art. 2(3)-(5)**)

**C19** S. 9 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5)**, **Sch. 4 Pt. I**  
S. 9 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/1184, **reg. 13(3)(4)**, **Sch. 4 Pt. I**

**C20** S. 9(2)(3)(4)(7)(8) applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9**, **Sch. Pt. I**

**C21** S. 9(2)(b) excluded (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 40(1)**  
S. 9(2)(b) excluded (S.) (16.2.2001) by S.I. 2001/497, **reg. 40(1)**

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VALID FROM 11/09/2006

### [<sup>F17</sup>9A Registration officers: duty to take necessary steps

- (1) Each registration officer must take all steps that are necessary for the purpose of complying with his duty to maintain the registers under section 9 above.
- (2) The steps include—
  - (a) sending more than once to any address the form to be used for the canvass under section 10 below;
  - (b) making on one or more occasions house to house inquiries under subsection (5) of that section;
  - (c) making contact by such other means as the registration officer thinks appropriate with persons who do not have an entry in a register;
  - (d) inspecting any records held by any person which he is permitted to inspect under or by virtue of any enactment or rule of law;
  - (e) providing training to persons under his direction or control in connection with the carrying out of the duty.
- (3) Regulations made by the Secretary of State may amend subsection (2) by—
  - (a) varying any of the paragraphs in that subsection;
  - (b) inserting any paragraph;
  - (c) repealing any paragraph.]

#### Textual Amendments

- F17** S. 9A inserted (E.W.S.) (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 9(1)**, 77; S.I. 2006/1972, **art. 3**, Sch. 1 para. 1 (subject to transitional provisions in [art. 4](#), Sch. 2)

VALID FROM 01/01/2007

### [<sup>F18</sup>9B Anonymous registration

- (1) This section applies if an application for registration in a register of parliamentary electors or local government electors is made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) below and is accompanied by—
  - (a) an application under this section made in accordance with prescribed requirements (an application for an anonymous entry),
  - (b) a declaration made in accordance with such requirements for the purposes of this section, and
  - (c) such evidence in support of the application for an anonymous entry as may be prescribed.
- (2) If the registration officer determines that the person is entitled to be registered, he must also determine whether the safety test is satisfied.
- (3) If the registration officer determines that the safety test is satisfied—
  - (a) section 9(2) above does not apply in relation to the person; and

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- (b) the person's entry in the register shall instead contain letters in the prescribed form and his electoral number.
- (4) An entry containing the matters mentioned in subsection (3)(b) above is referred to in this Act as an anonymous entry.
- (5) If an anonymous entry is made in respect of a person, the registration officer shall remove any other entry in the register for that person.
- (6) If the registration officer does not determine that the safety test is satisfied, no entry is to be made in respect of him in the register (whether an anonymous entry or otherwise).
- (7) Subsection (6) above does not affect—
- (a) any other entry in the register for the person;
  - (b) the determination of any further application for registration which is made by the person (including an application which is treated as having been made by him by virtue of section 10A(2) below).
- (8) Any communication sent by a registration officer or the returning officer for any election to a person who has an anonymous entry (A) must be sent in an envelope or other form of covering so as not to disclose to any other person that A has an anonymous entry.
- (9) Subsection (8) does not apply to a communication relating only to a local government election in Scotland.
- (10) The safety test is satisfied if the safety of the applicant for an anonymous entry or that of any other person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.
- (11) In this section, “determines” means determines in accordance with regulations.]

#### Textual Amendments

**F18** Ss. 9B, 9C inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 10(1), 77**; [S.I. 2006/3412](#), **art. 3**, [Sch. 1 para. 1](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#))

VALID FROM 01/01/2007

#### [<sup>F18</sup>9C **Removal of anonymous entry**

- (1) If a person has an anonymous entry in a register, his entitlement to remain registered in pursuance of the application for registration mentioned in section 9B(1) terminates—
- (a) at the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
  - (b) if the declaration made for the purposes of section 9B is cancelled at any time before the expiry of that 12 month period, at the time when the declaration is cancelled.



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- (2) Subsection (1) above does not affect the application of any other provision of this Act or of the Representation of the People Act 1985 which has the effect that the person's entitlement to registration terminates before the expiry of the 12 month period mentioned in subsection (1) or before the cancellation of the declaration made for the purposes of section 9B.
- (3) If a person's entitlement to remain registered terminates by virtue of subsection (1) above, the registration officer concerned shall remove his entry from the register, unless he is entitled to remain registered with an anonymous entry in pursuance of a further application for registration accompanied by a further application under section 9B.]

#### Textual Amendments

**F18** Ss. 9B, 9C inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 10(1), 77**; [S.I. 2006/3412](#), **art. 3**, [Sch. 1 para. 1](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#))

#### Modifications etc. (not altering text)

**C22** [S. 9C](#) applied (with modifications) by [S.I. 2001/1184](#), [reg. 9](#), [Sch. Pt. I](#) (as substituted (17.3.2009) by [S.I. 2009/726](#), [regs. 1\(1\), 2\(3\)\(4\)](#), [Sch.](#))

### [<sup>F19</sup>10 Maintenance of registers: annual canvass.

- (1) Each registration officer shall conduct an annual canvass in relation to the area for which he acts for the purpose of ascertaining the persons who are for the time being entitled to be, or to remain, registered in his registers.
- (2) The canvass for any year shall be conducted by reference to residence on 15th October in that year.
- (3) A canvass shall not, however, be concerned with—
  - (a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3 above) or mental hospitals (within the meaning of section 7 above) or other places at which persons to whom section 7A above applies may be detained; or
  - (b) the registration of persons in pursuance of—
    - (i) declarations of local connection,
    - (ii) service declarations, or
    - (iii) overseas electors' declarations.
- (4) The form to be used for the purposes of a canvass shall be either a form prescribed for those purposes or a form to the same effect.
- (5) In connection with a canvass a registration officer may, for the purpose of—
  - (a) supplementing the information obtained by the use of any such form, or
  - (b) where any such form has not been returned, obtaining any information designed to be obtained by the use of the form,make such house to house inquiries as he thinks fit.

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- (6) On the conclusion of a canvass a registration officer shall make such alterations in his registers as fall to be made in accordance with section 10A below as a result of the canvass.
- (7) In this section “residence” means residence for the purposes of section 4 above.]

#### Textual Amendments

**F19** Ss. 10, 10A substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 10 by 2000 c. 2, s. 8(a), **Sch. 1 para. 4**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### Modifications etc. (not altering text)

**C23** Ss. 10-11 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I** (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**); S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5))

VALID FROM 01/12/2006

#### <sup>F20</sup>10ZANorthern Ireland: timing of canvass

- (1) A canvass under section 10(1A) must be conducted in—
- the year 2010, unless the Secretary of State makes an order providing that the requirement in this paragraph does not apply;
  - every tenth year following 2010.
- (2) A canvass under section 10(1A) must be conducted in an intervening year if—
- on or before 15th April in that year, the Chief Electoral Officer for Northern Ireland has made a recommendation in favour of a canvass being conducted in that year for the purpose of meeting the relevant registration objectives, and
  - the Secretary of State, having considered the recommendation, has notified the Chief Electoral Officer that he is satisfied that the public interest requires a canvass to be conducted for that purpose.
- (3) If no canvass under section 10(1A) is conducted before the end of 2015, a canvass must be conducted in 2016.
- (4) “Intervening year” means a year other than—
- 2010,
  - every tenth year following 2010, and
  - if no canvass under section 10(1A) is conducted before the end of 2015, 2016.
- (5) The Secretary of State may not make an order under subsection (1)(a) unless—
- on or before 15th April 2010, the Chief Electoral Officer for Northern Ireland has made a recommendation against a canvass being conducted in the year 2010 for the purpose of meeting the relevant registration objectives, and
  - the Secretary of State, having considered the recommendation, is satisfied that the public interest does not require a canvass to be conducted for that purpose.

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- (6) The power to make an order under subsection (1)(a) is exercisable by statutory instrument.
- (7) No order is to be made under subsection (1)(a) unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (8) “Recommendation” means a written recommendation to the Secretary of State.]

#### Textual Amendments

**F20** S. 10ZA inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 3, 31; S.I. 2006/2688, art. 3(1)(2)(a)

#### Modifications etc. (not altering text)

**C24** S. 10ZA extended (Northern Ireland) (with modifications) (1.12.2006) by 1989 c. 3, Sch. 1 (as amended by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, Sch. 4 para. 7(2)(a); S.I. 2006/2688, art. 3(2)(c))

VALID FROM 01/12/2006

#### [<sup>F21</sup>10ZB] The relevant registration objectives (Northern Ireland)

- (1) The relevant registration objectives are to secure, so far as reasonably practicable—
  - (a) that every person who is entitled to be registered in a register is registered in it,
  - (b) that no person who is not entitled to be registered in a register is registered in it, and
  - (c) that none of the required information relating to any person registered in a register is false.
- (2) But, in applying subsection (1), the registrations of the persons mentioned in section 10(3) (registrations with which a canvass is not concerned) must be disregarded.
- (3) “Register” means a register maintained by the Chief Electoral Officer for Northern Ireland under section 9.
- (4) “The required information” means the following (as appearing in the register or other records of the Chief Electoral Officer)—
  - (a) the person's name;
  - (b) the person's qualifying address;
  - (c) the person's date of birth;
  - (d) subject to subsections (5) and (6), the person's signature;
  - (e) the person's national insurance number or a statement that he does not have one.
- (5) The required information does not include the person's signature if—
  - (a) the Chief Electoral Officer has dispensed with the requirement to provide a signature, or

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- (b) other evidence of identity is required (instead of a signature) under a CORE scheme.
- (6) If under a CORE scheme other evidence is required instead of a signature, the required information includes that evidence.
- (7) “False”, in relation to a signature, means that the signature is not the usual signature of, or was written by a person other than, the person whose signature it purports to be.
- (8) “CORE scheme” has the same meaning as in Part 1 of the Electoral Administration Act 2006.]

#### Textual Amendments

**F21** S. 10ZB inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 4, 31; S.I. 2006/2688, art. 3(1)(2)(a)

#### Modifications etc. (not altering text)

**C25** S. 10ZB extended (Northern Ireland) (with modifications) (1.12.2006) by 1989 c. 3, Sch. 1 (as amended by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, Sch. 4 para. 7(2)(a); S.I. 2006/2688, art. 3(2)(c))

### <sup>F22</sup>10A Maintenance of the registers: registration of electors.

- (1) A registration officer shall determine all applications for registration which are—
  - (a) made to him in accordance with the prescribed requirements, or
  - (b) treated as made to him by virtue of subsection (2) below.
- (2) Where—
  - (a) in connection with a canvass under section 10 above, the form completed in respect of any address specifies any person as a person who is entitled to be registered in a register, and
  - (b) that person is not for the time being registered in the register in respect of that address,
 he shall be treated as having made, on the 15th October in the year in question, an application for registration in the register in respect of that address.
- (3) A registration officer shall also determine all objections to a person’s registration made in accordance with the prescribed requirements by another person whose name appears in the register in question.
- (4) Subsections (1) and (3) above apply to applications and objections asking—
  - (a) for the omission, insertion or alteration of a date as that on which a person will become of voting age and entitled to registration, or
  - (b) for the alteration of the qualifying address in respect of which a person is registered,
 as they apply to applications for registration and objections to a person’s registration respectively.
- (5) Where the name of a person (“the elector”) is duly entered in a register in respect of any address, the elector is entitled to remain registered in the register in respect of that address until such time as the registration officer concerned—

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- (a) determines, on the conclusion of a canvass under section 10 above, that the elector was not resident at that address on the 15th October in question, or that because—
    - (i) the form mentioned in section 10(4) above was not returned in respect of that address, or
    - (ii) for any other reason, insufficient information was obtained as to whether the elector was resident at that address on that date,the registration officer is unable to satisfy himself that the elector was then so resident at that address, or
  - (b) determines, in any prescribed circumstances, that the elector has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.
- (6) Where the entitlement of a person to remain registered in a register in respect of any address terminates by virtue of subsection (5) above, the registration officer concerned shall remove that person’s entry from the register once the officer has satisfied any prescribed requirements applying in relation to the removal of that entry.
- (7) Subsection (6) above does not apply if, or to the extent that, regulations so provide in relation to any prescribed circumstances; and regulations may, in particular, authorise a registration officer to retain entries in his registers for the prescribed period if he thinks fit in cases where the form mentioned in section 10(4) above has not been returned in respect of any address.
- (8) Nothing in subsection (5) or (6) applies in relation to the registration of persons in pursuance of—
  - (a) applications for registration made by virtue of section 7(2) or 7A(2) above; or
  - (b) declarations falling within section 10(3)(b) above.
- (9) In this section—  
“determines” means determines in accordance with regulations;  
“resident” means resident for the purposes of section 4 above.

**Textual Amendments**

**F22** Ss. 10, 10A substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 10 by 2000 c. 2, s. 8(a), Sch. 1 para. 4; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

**Modifications etc. (not altering text)**

**C26** S. 10A extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch.1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(5); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5))

**F23** 11 .....

**Textual Amendments**

**F23** S. 11 repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 5(a), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

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<sup>F24</sup>12 .....

#### Textual Amendments

**F24** S. 12 repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 5(b), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### [<sup>F25</sup>13 **Publication of registers.**

- (1) Following the conclusion of the canvass conducted by a registration officer for any year under section 10 above, the officer shall publish a revised version of both of his registers—
  - (a) by 1st December in that year; or
  - (b) by such later date as regulations may prescribe.
- (2) The revised versions of the registers shall incorporate—
  - (a) all the alterations which are required to be made in them as mentioned in section 10(6) above; and
  - (b) any alterations which are required to be made by virtue of section 13A(3) below.
- (3) A registration officer may in addition, if he thinks fit, publish a revised version of either of his registers at any time between—
  - (a) the time when the register was last published in accordance with subsection (1) above, and
  - (b) the time when it is due to be next so published;
 and a registration officer proposing to publish a revised version of a register in accordance with this subsection must publish notice of his intention to do so by such time and in such manner as may be prescribed.
- (4) When revising a register for publication under this section the registration officer shall make such changes affecting the electoral numbers of persons registered in the register as he considers necessary in order to comply with section 9(4) above.
- (5) Where a revised version of a register is published at any time under this section, the register has effect in the form in which it is so published as from that time until the time when—
  - (a) a revised version is next so published, or
  - (b) if earlier, any alteration to the register takes effect under section 13A or 13B below.
- (6) Any reference in this section or section 13A below to the publication of a revised version of the register is to its publication in accordance with regulations made in pursuance of paragraphs 10A and 10B(1)(a) of Schedule 2 to this Act.]

#### Textual Amendments

**F25** Ss. 13-13B substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 13 by 2000 c. 2, s. 8(a), **Sch. 1 para. 6**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

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**Modifications etc. (not altering text)**

- C27** S. 12-17 extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\), ss. 2, 13\(6\), Sch. 1 Pt. 1](#) (as amended (16.2.2001) by [2000 c. 2, s. 8, Sch. 3 para. 3\(5\)](#); S.I. 2001/116, [art. 2\(1\)](#) (with [art. 2\(3\)-\(5\)](#)))
- C28** S. 13 applied (with modifications) (E.W.) (16.2.2001) by [S.I. 2001/341, reg. 13\(4\)\(5\), Sch. 4 Pt. I](#)  
S. 13 applied (with modifications) (N.I.) (16.2.2001) by [S.I. 2001/400, reg. 13\(3\)\(4\), Sch. 4 Pt. I](#)  
S. 13 applied (with modifications) (9.4.2001) by [S.I. 2001/1184, reg. 9, Sch. Pt. I](#)
- C29** S. 13(1)(a) modified (N.I.) (22.10.2003) by [The Northern Ireland Assembly \(Elections and Periods of Suspension\) Act 2003 \(Consequential Modifications\) Order 2003 \(S.I. 2003/2696\), art. 2](#)

**13A** <sup>F26</sup> **Alteration of registers.**

- (1) This section applies where, at any time (“the relevant time”) after the publication of a revised version of a register by a registration officer under section 13 above, the registration officer—
- on an application for registration being made by any person in accordance with the prescribed requirements, determines that that person is entitled to be so registered;
  - is required, by virtue of any provision of this Part of this Act, to remove a person’s entry from the register;
  - is notified of any decision on an appeal by virtue of section 56 below which requires any such alteration in the register as is mentioned in subsection (4) of that section; or
  - determines that the register contains any clerical error.
- (2) In such a case the registration officer shall (subject to subsection (3) below) issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—
- the notice shall be so issued by him—
    - on the first day of the month which follows that in which the relevant time falls, or
    - if that day is less than 14 days after that time, on the first day of the month immediately following that month; and
  - (subject to section 13B(1) below) the alteration in question shall have effect as from the beginning of the day on which the notice is issued.
- (3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—
- at the beginning of the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) or (3) above, or
  - at the beginning of either of the two months preceding that containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) above,
- and in such a case the alteration in question shall be made in that revised version of the register.
- (4) Subsection (2) above also does not require a registration officer to issue a notice under that subsection in a case where section 13B(3) below requires him to issue a notice under that provision.

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- (5) No alteration affecting a published version of a register of electors shall be made otherwise than in accordance with this section and section 13B below.
- (6) For the purposes of subsection (1) above “determines” means determines in accordance with regulations; and section 119 below shall apply for the purposes of subsection (2)(a) above as if it were contained in Part II of this Act.

#### Textual Amendments

**F26** Ss. 13-13B substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 13 by 2000 c. 2, s. 8(a), **Sch. 1 para. 6**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### Modifications etc. (not altering text)

**C30** Ss. 13-13B extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**; S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5))

**C31** S. 13A applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), **Sch. 4 Pt. I**  
S. 13A applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. I**  
S. 13A applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, **Sch. Pt. I**

#### <sup>F27</sup> 13B Alteration of registers: pending elections.

- (1) An alteration in a published version of a register of electors which takes effect under section 13A(2) above after the final nomination day in the case of an election to which this section applies shall not have effect for the purposes of that election unless the alteration—
- (a) is made in consequence of a decision or determination falling within section 13A(1)(c) or (d) above; and
  - (b) takes effect on or before the fifth day before the date of the poll.
- (2) Subsection (3) below applies where—
- (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a decision or determination—
    - (i) falling within subsection (1)(c) or (d) of that section, and
    - (ii) in consequence of which a person’s name falls to be entered in (or removed from) the register in respect of an address in the relevant election area; and
  - (b) no alteration made in consequence of that decision or determination—
    - (i) has already taken effect, or
    - (ii) is due to take effect,
 under subsection (2) of that section on or before the fifth day before the date of the poll.
- (3) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—
- (a) the notice shall be so issued by him on the appropriate publication date; and
  - (b) the alteration shall take effect as from the beginning of that day.



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(4) This section applies to the following elections—

- (a) parliamentary elections,
- (b) elections to the European Parliament,
- (c) elections to the Scottish Parliament,
- (d) elections to the National Assembly for Wales,
- (e) elections to the Northern Ireland Assembly, and
- (f) local government elections in England, Wales or Scotland.

(5) In this section—

“the appropriate publication date”, in relation to a registration officer and an election to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;

“the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;

“the relevant election area”, in relation to a registration officer and such an election, means—

- (a) the area for which the registration officer acts, or
- (b) if the election is held in only part of that area, the part of that area in question.

(6) Section 119 below shall apply for the purposes of this section as if—

- (a) it were contained in Part II of this Act; and
- (b) each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act.

#### Textual Amendments

**F27** Ss. 13-13B substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 13 by 2000 c. 2, s. 8(a), **Sch. 1 para. 6**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)

#### Modifications etc. (not altering text)

**C32** Ss. 13-13B extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**; S.I. 2001/116, **art. 2(1)** (with **art. 2(3)-(5)**)

**C33** S. 13B applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5)**, **Sch. 4 Pt. I**  
S. 13B applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4)**, **Sch. 4 Pt. I**  
S. 13B applied (with modifications) (2.4.2001) by S.I. 2001/1184, **reg. 9**, **Sch. Pt. I**  
S. 13B applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, **regs. 8(1), 10(4)**, **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)  
S. 13B applied (with modifications) (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004** (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 13B applied (with modifications) (E.) (28.7.2007) by **The Local Authorities (Conduct of Referendums) (England) Regulations 2007** (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}

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VALID FROM 14/05/2008

**[<sup>F28</sup>13BA] Alteration of registers in Northern Ireland: pending elections**

- (1) An alteration in a published version of a register of electors which takes effect under section 13A(2) after the final nomination day in the case of an election to which this section applies is of no effect for the purposes of that election unless the alteration—
  - (a) is made in consequence of a decision or determination falling within section 13A(1)(c) or (d), and
  - (b) takes effect on or before the fifth day before the date of the poll.
- (2) Subsection (3) applies if—
  - (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A applies to the Chief Electoral Officer for Northern Ireland (by virtue of section 13A(1)) in connection with a determination or requirement falling within section 13A(1)(a) or (b), and
  - (b) no alteration made in consequence of that determination or requirement—
    - (i) has already taken effect, or
    - (ii) is due to take effect,
 under section 13A(2) on or before the final nomination day.
- (3) If, no later than the prescribed date, the Chief Electoral Officer is supplied with such additional material supporting the alteration as is prescribed, he must, on the appropriate publication date, issue a notice specifying the appropriate alteration in the register.
- (4) But a person whose entitlement to vote at an election results from an alteration under subsection (3)—
  - (a) is not entitled as an elector to an absent vote at that election, and
  - (b) must not be shown in the absent voters list kept for that election under—
    - (i) section 7 of the Representation of the People Act 1985, or
    - (ii) regulation 9 of the European Parliamentary Elections (Northern Ireland) Regulations 2004.
- (5) Subsection (6) applies if—
  - (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A applies to the Chief Electoral Officer for Northern Ireland (by virtue of section 13A(1)) in connection with a decision or determination falling within section 13A(1)(c) or (d), and
  - (b) no alteration made in consequence of that decision or determination—
    - (i) has already taken effect, or
    - (ii) is due to take effect,
 under section 13A(2) on or before the fifth day before the date of the poll.
- (6) The Chief Electoral Officer must, on the appropriate publication date, issue a notice specifying the appropriate alteration in the register.
- (7) Subsection (9) applies if—
  - (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A applies to the Chief Electoral Officer

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- for Northern Ireland (by virtue of section 13A(1)), in connection with a notification mentioned in section 13A(1)(c), and
- (b) in consequence of the notification—
- (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or
- (ii) his entry in the register needs to be altered.
- (8) Subsection (9) also applies if—
- (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A applies to the Chief Electoral Officer for Northern Ireland (by virtue of section 13A(1)), in connection with a determination falling within section 13A(1)(d),
- (b) the determination was made following a representation made by or on behalf of a person to the Chief Electoral Officer, and
- (c) in consequence of the determination—
- (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or
- (ii) his entry in the register needs to be altered.
- (9) The Chief Electoral Officer must, when—
- (a) he receives the notification referred to in subsection (7), or
- (b) he makes the determination referred to in subsection (8),
- issue a notice specifying the appropriate alteration in the register.
- (10) In subsection (8)(b), “representation” means a representation made in accordance with prescribed requirements to the effect that the register contains a clerical error.
- (11) A notice under subsection (3), (6) or (9)—
- (a) is to be issued in the prescribed manner, and
- (b) takes effect from the beginning of the day on which it is issued.
- (12) This section applies to—
- (a) parliamentary elections in Northern Ireland,
- (b) elections in Northern Ireland to the European Parliament, and
- (c) elections to the Northern Ireland Assembly.
- (13) Subsections (5) and (6) of section 13B apply for the purposes of this section as they apply for the purposes of that section.]

#### Textual Amendments

**F28** S. 13BA inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 6(2), 31; S.I. 2008/1318, art. 2

#### Modifications etc. (not altering text)

**C34** S. 13BA extended (Northern Ireland) (with modifications) (14.5.2008) by 1989 c. 3, Sch. 1 (as amended by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, Sch. 4 para. 7(2)(b); S.I. 2008/1318, art. 2)

**C35** S. 13BA applied (with modifications) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.)

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**C36** S. 13BA applied (with modifications) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

VALID FROM 04/09/2009

**[<sup>F29</sup>13BB Election falling within canvass period**

- (1) This section applies where—
  - (a) in connection with a canvass under section 10 above, the form returned in respect of an address (“the relevant address”) is completed in such a way that, by virtue of section 10A(2) above, an application for registration is treated as having been made in respect of that address; and
  - (b) notice is published of an election to which section 13B above applies that is to be held—
    - (i) in an area which includes the relevant address,
    - (ii) during the period starting with 1st July in the year of the canvass and ending with 1st December in that year.
- (2) The application shall be treated as made—
  - (a) when the notice of election is published (if the canvass form has already been returned),
  - (b) when the form is returned (if the notice has already been published), or
  - (c) at such other time as may be prescribed.
- (3) Subsection (2) above does not apply if—
  - (a) the canvass form is returned after the appropriate publication date; or
  - (b) the form is returned too late for the application to be determined in accordance with regulations on or before that date (even without there being any delay in dealing with the application or any objections to the registration).
- (4) Where, in consequence of the determination of the application, an entry relating to a person falls to be made in (or removed from) a register covering the relevant address, the registration officer by whom that register is maintained shall issue, in the prescribed manner, a notice specifying the appropriate alteration.
- (5) Where—
  - (a) in consequence of the determination of the application, a person's entry in respect of an address other than the relevant address falls to be removed from a register maintained by a registration officer other than the one referred to in subsection (4) above,
  - (b) at the time of the determination, notice has been published of an election to which section 13B above applies that is to be held—
    - (i) in an area which includes that other address,
    - (ii) during the period starting with 1st July in the year of the canvass and ending with 1st December in that year,
 and
  - (c) the determination is made before the appropriate publication date for that election,

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the other registration officer shall, on being informed of the determination, issue in the prescribed manner a notice specifying the appropriate alteration.

- (6) A notice under subsection (4) or (5) above shall be issued on the appropriate publication date for the election in question, and the alteration shall take effect as from the beginning of that day.
- (7) A requirement imposed by subsection (4) or (5) above does not apply if, before the appropriate publication date for the election in question, the registration officer concerned publishes a revised version of the register incorporating the appropriate alteration.
- (8) In this section—
  - “the appropriate publication date” has the same meaning as in section 13B above;
  - “canvass form” means the form mentioned in subsection (1)(a) above.
- (9) For the purposes of this section, a canvass form is “returned” when it is received by the registration officer.]

#### Textual Amendments

- F29** S. 13BB inserted (4.9.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 23(1)**, 43(1); [S.I. 2009/2395](#), **art. 2** (with [art. 3](#))

VALID FROM 01/12/2002

#### [<sup>F30</sup>13C Electoral identity card: Northern Ireland

- (1) This section applies where a person makes an application in accordance with any prescribed requirements to the Chief Electoral Officer for Northern Ireland for an electoral identity card.
- (2) Regulations may provide for—
  - (a) the descriptions of person who may make such an application; and
  - (b) the form in which such an application is to be made.
- (3) The Chief Electoral Officer shall determine such an application and, if he is satisfied that the information given by the applicant is correct, he shall issue an electoral identity card to the applicant free of charge.
- (4) The electoral identity card issued to an applicant shall—
  - (a) state his full name and date of birth,
  - (b) bear his photograph,
  - (c) indicate when the card ceases to be current, and
  - (d) include such other information and be in such form as the Chief Electoral Officer shall determine.
- (5) For the purposes of subsection (4) above and rule 37(1E) in Schedule 1 to this Act (specified documents), an electoral identity card becomes current on the date of its

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issue and ceases to be so on the expiry of the period of 10 years beginning with that date.

(6) Any expenses properly incurred by the Chief Electoral Officer in the performance of his functions under this section shall be treated as registration expenses of his for the purposes of this Act.

(7) In this section “determine” means determine in accordance with regulations (if any).]

#### Textual Amendments

**F30** S. 13C inserted (N.I.) (1.12.2002) by [Electoral Fraud \(Northern Ireland\) Act 2002 \(c. 13\), s. 4\(2\)](#); S.I. 2002/1648, [art. 4](#)

#### Modifications etc. (not altering text)

**C37** S. 13C applied (with modifications) by S.I. 2001/1184, [reg. 9, Sch. Pt. I](#) (as substituted (17.3.2009) by S.I. 2009/726, [regs. 1\(1\), 2\(3\)\(4\), Sch.](#))

VALID FROM 29/01/2007

#### [<sup>F31</sup>13C] **Scottish local government elections: false information in connection with applications for absent voting**

(1) A person who provides false information in connection with an application mentioned in subsection (2) below commits an offence.

(2) The application referred to in subsection (1) above is an application—

- (a) relating to a local government election in Scotland; and
- (b) to which any of the following provisions of Schedule 4 to the Representation of the People Act 2000 (c. 2) applies, namely—
  - (i) paragraph 3(1) or (2);
  - (ii) paragraph 4(1) or (2);
  - (iii) paragraph 7(4).

(3) In relation to a signature, “false information” for the purposes of subsection (1) above means a signature which—

- (a) is not the usual signature of; or
- (b) was written by a person other than,  
the person whose signature it purports to be.

(4) A person does not commit an offence under subsection (1) above if the person did not know, and had no reason to suspect, that the information was false.

(5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4) above, the court must assume that the defence is satisfied unless the prosecutor proves beyond reasonable doubt that it is not.

(6) A person guilty of an offence under subsection (1) above is liable on summary conviction to (either or both)—

- (a) imprisonment for a term not exceeding 6 months;

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(b) a fine not exceeding level 5 on the standard scale.]

#### Textual Amendments

**F31** S. 13CA inserted (S.) (29.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 12, 63(2); S.S.I. 2007/26, art. 2(1)(a)

VALID FROM 01/09/2002

#### [<sup>F32</sup>13D Provision of false information

- (1) A person who provides false information pursuant to any requirement of section 10(4A), 10A(1A) or 13A(2A) above—
  - (a) on a form mentioned in section 10(4) above and returned to the Chief Electoral Officer for Northern Ireland; or
  - (b) in an application made to him under section 10A or 13A above, is guilty of an offence.
- (2) A person who provides false information to the Chief Electoral Officer for Northern Ireland for the purpose of obtaining the dispensation referred to in section 10(4B), 10A(1B) or 13A(2B) above is guilty of an offence.
- (3) In relation to a signature, “false information” for the purposes of subsection (1) means a signature which—
  - (a) is not the usual signature of; or
  - (b) was written by a person other than, the person whose signature it purports to be.
- (4) A person does not commit an offence under subsection (1) above if he did not know, and had no reason to suspect, that the information was false.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4) above, the court shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months; or
  - (b) a fine not exceeding level 5 on the standard scale, or to both.]

#### Textual Amendments

**F32** S. 13D inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 7(1); S.I. 2002/1648, art. 3

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### *Service qualifications and declarations for registration*

#### **14 Service qualification.**

- (1) A person has a service qualification for the purposes of this Act who—
- (a) is a member of the forces,
  - (b) (not being such a member) is employed in the service of the Crown in a post outside the United Kingdom of any prescribed class or description,
  - (c) is employed by the British Council in a post outside the United Kingdom,
  - (d) is the wife or husband of a member of the forces,
  - (e) is the wife or husband of a person mentioned in paragraph (b) or paragraph (c) above and is residing outside the United Kingdom to be with her husband or, as the case may be, his wife,

and where a person leaves the United Kingdom to take up employment or residence as mentioned above or returns to the United Kingdom at the end of such employment or residence, the employment or residence shall be deemed to begin from the time of leaving or to continue until the time of returning, as the case may be.

- (2) For the purposes of [<sup>F33</sup>section 4(2) above] above a person ceasing to have a service qualification shall be treated as if he were resident in Northern Ireland for the period during which he had a service qualification.

#### **Textual Amendments**

**F33** Words in s. 14(2) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 7**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)

#### **Modifications etc. (not altering text)**

**C38** Ss. 12–17 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989** (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**

#### **15 Service declaration.**

- (1) A service declaration shall be made only—
- (a) by a person who has a service qualification, or
  - (b) subject to any prescribed conditions, by a person about to leave the United Kingdom in such circumstances as to acquire a service qualification.

and a service declaration may be made by such a person notwithstanding the fact that by reason of his age he is not yet entitled to vote.

- [<sup>F34</sup>(2) Where a person is registered in a register of electors in pursuance of a service declaration, the person is entitled to remain so registered until—
- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
  - (b) the declaration is cancelled under subsection (7) below, or
  - (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a service declaration),

whichever first occurs.



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- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further service declaration.]
- (5) No service declaration shall be specially made by a person for the purpose of local government elections, and any service declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—
- (a) a service declaration may be made for the purpose of local government elections only by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections [<sup>F35</sup>, or by a relevant citizen of the Union]; and
- (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other service declarations.
- (6) If a person—
- (a) makes a service declaration declaring to more than one address, or
- (b) makes more than one service declaration bearing the same date and declaring to different addresses,
- the declaration or declarations shall be void.
- (7) A service declaration may at any time be cancelled by the declarant <sup>F36</sup> . . .
- [<sup>F37</sup>(8) A service declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.]

#### Textual Amendments

- F34** S. 15(2)(3) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 15(2)-(4) by 2000 c. 2, s. 8(a), **Sch. 1 para. 8(2)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F35** Words in s. 15(5)(a) inserted (6.8.1995) by S.I. 1995/1948, **regs. 1(2), 5(2), Sch. 2 paras. 4(b), 6**
- F36** Words in s. 15(7) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), **Sch. 1 para. 8(3), Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F37** S. 15(8) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 8(4)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### Modifications etc. (not altering text)

- C39** Ss. 12–17 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989** (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**
- C40** Ss. 15-17 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 13(3)**

## 16 Contents of service declaration.

A service declaration shall state—

- (a) the date of the declaration.
- (b) <sup>F38</sup> . . . that on that date the declarant is, or but for the circumstances entitling him to make the declaration would have been, residing in the United Kingdom,
- <sup>F39</sup>(c) . . . . .

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- (d) the address where the declarant is or, as the case may be, <sup>F40</sup> . . . would have been residing in the United Kingdom or, if he cannot give any such address, an address at which he has resided in the United Kingdom,
- (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland [<sup>F41</sup> or a relevant citizen of the Union],
- (f) whether the declarant had on the date of the declaration attained the age of 18 years, and, if he had not, the date of his birth, and
- (g) such particulars (if any) as may be prescribed of the declarant's identity and service qualifications,

and (except where the declarant is a member of the forces or the wife or husband of such a member) shall be attested in the prescribed manner.

#### Textual Amendments

- F38** Words in s. 16(b) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 9(a), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F39** S. 16(c) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 9(b), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F40** Words in s. 16(d) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 9(c), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F41** Words in s. 16(e) inserted (6.8.1995) by S.I. 1995/1948, regs. 1(2), 5(2), Sch. 2 paras. 3(b), 6

#### Modifications etc. (not altering text)

- C41** Ss. 12–17 extended (N.I) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989** (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**
- C42** Ss. 15-17 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 13(3)**

## 17 Effect of service declaration.

[<sup>F42</sup>(1) Where a person's service declaration is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—

- (a) resident on the date of the declaration at the address specified in it in accordance with section 16(d) above;
- (b) for the purposes of registration in Northern Ireland as resident in Northern Ireland during the whole of the period of three months ending with that date; and
- (c) until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.]

(2) Where a service declaration appearing to be properly made out and (where required) attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having had from the date of the declaration or such later date, if any, as appears from it, and as continuing to have, a service qualification.

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### Textual Amendments

- F42** S. 17(1) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 10**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

### Modifications etc. (not altering text)

- C43** Ss. 12–17 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989** (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**
- C44** Ss. 15-17 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 13(3)**

## *Place and manner of voting at parliamentary elections*

### **18 Polling districts and places at parliamentary elections.**

- (1) Every constituency shall be divided into polling districts and subject to the provisions of this section there shall be a polling place designated for each polling district.
- (2) In England <sup>F43</sup> . . . it is the duty of the council of each district or London borough [<sup>F44</sup> and in Wales it is the duty of the council of each county or county borough,] to divide their area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in their area, and to designate the polling places for those polling districts, and to keep the polling districts and polling places under review, in accordance with the following rules—
  - (a) the council shall exercise the powers conferred by this section with a view to giving all electors in so much of the constituency as falls within their area such reasonable facilities for voting as are practicable in the circumstances [<sup>F45</sup> and, in particular, they shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled];
  - (b) <sup>F46</sup> . . . , each parish or community shall in the absence of special circumstances be a separate polling district or districts;
  - (c) the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station;
  - (d) a polling place need not be designated for any polling district, if the size and other circumstances of the district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (3) In Scotland it is the [<sup>F47</sup> duty of every local authority to divide their area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in their area and to designate the polling places for those polling districts], and to keep the polling districts and polling places under review in accordance with the following rules—
  - (a) the [<sup>F48</sup> local authority] shall exercise the powers conferred by this section with a view to giving all electors in [<sup>F49</sup> so much of the constituency as falls within their area] such reasonable facilities for voting as are practicable in the circumstances [<sup>F50</sup> and, in particular, [<sup>F51</sup> the local authority] shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled];

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- (b) [<sup>F52</sup>each electoral ward, within the meaning of section 5 of the Local Government etc. (Scotland) Act 1994, which is wholly or partly within so much of any constituency as falls within their area], shall, in the absence of special circumstances, be a separate polling district or districts;
  - (c) the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station;
  - (d) a polling place need not be designated for any polling district, if the size and other circumstances of the district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (4) In the case of a polling district for which no polling place is designated the polling district shall be taken to be the polling place for the purposes of this Act.
- (5) If <sup>F53</sup> . . . not less than 30 electors in a constituency make a representation to [<sup>F54</sup>the Electoral Commission] that the powers conferred by this section have not been exercised so as to meet the reasonable requirements of the electors in the constituency or any body of those electors, [<sup>F54</sup>the Electoral Commission] shall consider the representation and may, if [<sup>F55</sup>they think fit]—
- (a) direct the council <sup>F53</sup> . . . by whom the powers are exercisable, to make any alterations which [<sup>F54</sup>the Electoral Commission] thinks necessary in the circumstances, and
  - (b) if the council <sup>F56</sup> . . . fails to make those alterations within a month after the direction is given, himself make the alterations,
- and any alterations made by [<sup>F54</sup>the Electoral Commission] under this subsection shall have effect as if they had been made by the council <sup>F56</sup> . . .
- In this subsection the expression “interested authority”, in relation to any constituency, means—
- (i) as respects England, the council or where there is no such council the parish meeting of a parish which is wholly or partly situated within the constituency;
  - (ii) as respects Wales, the council of a community which is so situated;
  - <sup>F57</sup>(iii) . . . . .
- (6) On the exercise of any power given by this section, the council <sup>F58</sup> . . . —
- (a) shall publish in the constituency a notice showing the boundaries of any polling districts or polling places constituted as a result of the exercise of the power; <sup>F59</sup>
  - <sup>F60</sup>(b) . . . . .
- (7) Subsections (2) to (6) above do not apply to Northern Ireland, and in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to [<sup>F61</sup>local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962].
- <sup>F62</sup>(8) Where any alteration of polling districts in an area is made under this section—
- (a) the registration officer who acts for the area shall make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration; and

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- (b) the alteration shall be effective on the date on which the registration officer publishes a notice stating that any such adaptations have been made by him.]
- (9) An election shall not be questioned by reason of—
- (a) any noncompliance with the provisions of this section; or
  - (b) any informality relative to polling districts or polling places.

#### Textual Amendments

- F43** Words in s. 18(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(2), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F44** Words in s. 18(2) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(2)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F45** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 4(1)(a)**
- F46** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 4(1)(b)**, Sch. 5
- F47** Words in s. 18(3) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(a); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F48** Words in s. 18(3)(a) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(b)(i); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F49** Words in s. 18(3)(a) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(b)(ii); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F50** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 4(2)**
- F51** Words in s. 18(3)(a) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(b)(iii); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F52** Words in s. 18(3)(b) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(c); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F53** Words in s. 18(5) repealed (1.4.1996) by 1994 c. 39, ss. 142(3)(a), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), Schs. 1, 2
- F54** Words in s. 18(5) substituted (1.7.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(2)(a)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F55** Words in s. 18(5) substituted (1.7.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(2)(b)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F56** Words in s. 18(5) repealed (1.4.1996) by 1994 c. 39, ss. 142(3)(b), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), Schs. 1, 2
- F57** S. 18(5) para. (iii) of the definition of “interested authority” ceased to have effect and repealed (1.4.1996) by 1994 c. 39, ss. 142(3)(c), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), Schs. 1, 2
- F58** Words in s. 18(6) ceased to have effect and repealed (1.4.1996) by 1994 c. 39, ss. 142(4), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), Schs. 1, 2
- F59** Word repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 4(3), **Sch. 5**
- F60** S. 18(6)(b) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 4(3), **Sch. 5**
- F61** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 4(4)**
- F62** S. 18(8) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 11**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### Modifications etc. (not altering text)

- C45** S. 18 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 18: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by S.I. 2000/2853, **reg. 2(1)**, **Sch. 1 D8**
- C46** S. 18(1) applied (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5**, **Sch. 1 Pt. I**
- C47** S. 18(1) applied with modifications (E.W.S.) by S.I. 1986/2209, **regs. 2, 3, 5(1)(6)–(8)**, **Sch. 1 Pt. I**

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- C48** S. 18(1)(7)(9) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, arts. 3(1)(b)(5)–(8), **Sch. 1**  
S. 18(1)(7)(9) applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 18(1)(7)(9) applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1**
- C49** S. 18(2) extended (11.3.1999) by S.I. 1999/450, **art. 6(4)** (which S.I. was revoked (29.2.2003) by S.I. 2003/284, **art. 1**)
- C50** S. 18(3) applied (11.3.1999) by S.I. 1999/787, **art. 5(2)**
- C51** S. 18(7) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C52** S. 18(9) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C53** S. 18(9) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 5(1)(6)–(8), **Sch. 1 Pt. I**

VALID FROM 01/01/2007

### <sup>F63</sup> 18A Polling districts at parliamentary elections

- (1) Every constituency is to be divided into polling districts.
- (2) A relevant authority must—
  - (a) divide its area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in its area, and
  - (b) keep the polling districts under review.
- (3) The following rules apply—
  - (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
  - (b) in England, each parish is to be a separate polling district;
  - (c) in Wales, each community is to be a separate polling district;
  - (d) in Scotland, each electoral ward (within the meaning of section 1 of the Local Governance (Scotland) Act 2004) is to be divided into two or more separate polling districts.
- (4) Subsection (3)(b) to (d) does not apply if, in any case, there are special circumstances.
- (5) If an alteration of polling districts in an area is made under this section—
  - (a) the registration officer who acts for the area must make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration, and
  - (b) the alteration is effective on the date on which the registration officer publishes a notice stating that the adaptations have been made by him.

#### Textual Amendments

- F63** Ss. 18A–18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1)**, 77; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 14(c)** (subject to transitional provisions in **art. 6**, **Sch. 2**); S.I. 2008/1316, **arts 2, 4**

#### Modifications etc. (not altering text)

- C54** S. 18A(1) applied (with modifications) by S.I. 2001/2599, **art. 3**, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3**, **Sch. 1**)

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VALID FROM 01/01/2007

## **18B Polling places at parliamentary elections**

- (1) A polling place is to be designated for each polling district in a constituency.
- (2) But subsection (1) does not apply if the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (3) A relevant authority must—
  - (a) designate the polling places for the polling districts in its area, and
  - (b) keep the polling places in its area under review.
- (4) The following rules apply—
  - (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
  - (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled;
  - (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing;
  - (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district;
  - (e) the polling place for a polling district must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station.
- (5) If no polling place is designated for a polling district the polling district is to be taken to be the polling place.

### **Textual Amendments**

**F63** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1), 77**; [S.I. 2006/3412](#), **art. 3, Sch. 1 para. 14(c)** (subject to transitional provisions in [art. 6, Sch. 2](#)); [S.I. 2008/1316](#), **arts 2, 4**

### **Modifications etc. (not altering text)**

**C55** S. 18B(1) applied (with modifications) by [S.I. 2001/2599](#), **art. 3, Sch. 1** (as substituted (10.2.2009) by [S.I. 2009/256](#), **arts. 1(2), 3, Sch. 1**)

*Status: Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.*

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VALID FROM 01/01/2007

### **18C Review of polling districts and places**

- (1) Each relevant authority must complete a review under sections 18A and 18B of all of the polling districts and polling places in its area before the end of the period of 12 months starting with the date on which section 16 of the Electoral Administration Act 2006 comes into force.
- (2) Subsection (1) does not apply in the case of a polling district or polling place (as the case may be) which is designated for the first time during that period.
- (3) In such a case, the first review of the polling district or polling place must be completed before the end of the period of four years starting with the date on which that designation is made.
- (4) The authority must complete a further review of each polling district and polling place in its area before the end of the period of four years starting with the completion of the previous such review.
- (5) Subsections (1) to (4) do not prevent a relevant authority carrying out at any time a review of a particular polling district or polling place.
- (6) Schedule A1 has effect in relation to a review.

#### **Textual Amendments**

**F63** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1), 77**; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 14(c) (subject to transitional provisions in [art. 6](#), Sch. 2); [S.I. 2008/1316](#), **arts 2, 4**

VALID FROM 01/01/2007

### **18D Review of polling districts and places: representations to Electoral Commission**

- (1) This section applies if in relation to a constituency in the area of a relevant authority a relevant representation is made to the Electoral Commission by—
  - (a) an interested authority in England and Wales;
  - (b) not less than 30 electors in the constituency;
  - (c) a person (other than the returning officer) who has made representations under Schedule A1;
  - (d) a person who is not an elector in a constituency in the authority's area but who the Commission think has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons.
- (2) A relevant representation is a representation that a review under section 18A or 18B has not been conducted by a relevant authority so as to—



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- (a) meet the reasonable requirements of the electors in the constituency or any body of those electors, or
  - (b) take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.
- (3) The returning officer for the constituency may make observations on representations made under this section.
- (4) The Electoral Commission must consider such representations and observations and may, if they think fit—
  - (a) direct the relevant authority to make any alterations to the polling places designated by the review which the Commission think necessary in the circumstances;
  - (b) if the authority fails to make the alterations before the end of the period of two months starting on the day the direction is given, make the alterations themselves.
- (5) Alterations made by the Electoral Commission under subsection (4) have effect as if they had been made by the relevant authority.
- (6) An interested authority in relation to a constituency in England and Wales is—
  - (a) in England, the council of a parish, or where there is no such council the parish meeting of a parish, which is wholly or partly situated within the constituency;
  - (b) in Wales, the council of a community which is so situated.
- (7) The reference in subsection (1)(b) to electors does not include persons who have an anonymous entry in the register of parliamentary electors or local government electors.

#### Textual Amendments

**F63** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006](#) (c. 22), [ss. 16\(1\), 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(c\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts 2, 4](#)

VALID FROM 01/01/2007

#### **18E Sections 18A to 18D: supplemental**

- (1) This section applies for the purposes of sections 18A to 18D.
- (2) No election is to be questioned by reason of—
  - (a) any non-compliance with the provisions of those sections, or
  - (b) any informality relative to polling districts or polling places.
- (3) Each of the following is a relevant authority—
  - (a) in relation to England, the council of a district or London borough;
  - (b) in relation to Scotland, a local authority;
  - (c) in relation to Wales, the council of a county or county borough.

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(4) The following do not apply to Northern Ireland—

- (a) section 18A(2) to (5);
- (b) section 18B(2) to (5);
- (c) sections 18C and 18D,

and in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962.]

**Textual Amendments**

**F63** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(c) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, **arts 2**, 4

**Modifications etc. (not altering text)**

**C56** S. 18E applied (with modifications) by S.I. 2001/2599, **art. 3**, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2)**, 3, **Sch. 1**)

<sup>F64</sup>**19**, .....  
**20.**

**Textual Amendments**

**F64** Ss. 19, 20 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, **Sch. 5**

<sup>F65</sup>**21**, .....  
**22.**

**Textual Amendments**

**F65** Ss. 21, 22 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, **Sch. 5**

*Conduct of parliamentary elections*

**23 Rules for parliamentary elections.**

- (1) The proceedings at a parliamentary election shall be conducted in accordance with the parliamentary elections rules in Schedule 1 to this Act.
- (2) It is the returning officer’s general duty at a parliamentary election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by those parliamentary elections rules.
- (3) No parliamentary election shall be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the parliamentary elections rules if it appears to the tribunal having cognizance of the question that—

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

**Modifications etc. (not altering text)**

- C57** S. 23 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C58** S. 23 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C59** S. 23 applied (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 23 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 23 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

**24 Returning officers: England and Wales.**

- (1) In England and Wales, the returning officer for a parliamentary election is—
- (a) in the case of a county constituency [<sup>F66</sup>in England] which is coterminous with or wholly contained in a county, the sheriff of the county;
  - [<sup>F67</sup>(aa) in the case of a county constituency in Wales which is coterminous with or wholly contained in a preserved county as defined by section 64 of the Local Government (Wales) Act 1994, the sheriff of the county;]
  - (b) in the case of a borough constituency [<sup>F66</sup>in England] which is coterminous with or wholly contained in a district, the chairman of the district council;
  - [<sup>F67</sup>(bb) in the case of a borough constituency in Wales which is coterminous with or wholly contained in a county or county borough, the chairman of the county or county borough council;]
  - (c) in the case of any other constituency [<sup>F66</sup>in England] wholly outside Greater London, such sheriff or chairman of a district council as may be designated in an order by the Secretary of State made by statutory instrument;
  - [<sup>F67</sup>(cc) in the case of any other constituency in Wales, such sheriff or chairman of a county or county borough council as may be designated in an order by the Secretary of State so made;]
  - (d) in the case of a constituency which is coterminous with or wholly contained in a London borough, the mayor of the borough;
  - (e) in the case of a constituency wholly or partly in Greater London which is situated partly in one London borough and partly in a district or any other London borough, the mayor of such London borough or the chairman of such district council as may be designated in an order by the Secretary of State made by statutory instrument.

The City, the Inner Temple and the Middle Temple shall be treated for the purposes of this section as if together they formed a London borough.

- (2) A parliamentary election is not liable 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.

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#### Textual Amendments

- F66** Words in s. 24(1)(a)–(c) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(3)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F67** S. 24(1)(aa)(bb)(cc) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(3)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**

#### Modifications etc. (not altering text)

- C60** S. 24(1)(c)(cc)(e) amended (16.2.2001) by 2000 c. 41, s. 7(2)(c) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- C61** S. 24(2) applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

## 25 Returning officers: Scotland.

- (1) In Scotland, the returning officer for a parliamentary election is—
- (a) in the case of a constituency wholly situated in one [<sup>F68</sup>local government] area, the person under section 41 below who is, or who may discharge the functions of, the returning officer at elections of councillors for the [<sup>F69</sup>local authority for that area];
  - (b) in the case of a constituency situated in more than one [<sup>F68</sup>local government] area, such person mentioned above as the Secretary of State may by order direct.
- (2) [<sup>F70</sup>Every local authority] shall place at the disposal of the returning officer for a constituency wholly or partly situated in [<sup>F71</sup>their] area, for the purpose of assisting the returning officer in the discharge of any functions conferred on him in relation to a parliamentary election in that constituency, the services of officers employed by the [<sup>F72</sup>authority].

<sup>F73</sup>(3) .....

#### Textual Amendments

- F68** Words in s. 25(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(a)(i)**; S.I. 1996/323, art. 4(1)(b)(c)
- F69** Words in s. 25(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(a)(ii)**; S.I. 1996/323, art. 4(1)(b)(c)
- F70** Words in s. 25(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(b)(i)**; S.I. 1996/323, art. 4(1)(b)(c)
- F71** Word in s. 25(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(b)(ii)**; S.I. 1996/323, art. 4(1)(b)(c)
- F72** Word in s. 25(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(b)(iii)**; S.I. 1996/323, art. 4(1)(b)(c)
- F73** S. 25(3) ceased to have effect and repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 130(3)(c)**, **Sch. 14**; S.I. 1994/323, art. 4(1)(b)(c)(d), **Sch. 2**

#### Modifications etc. (not altering text)

- C62** S. 25(1) extended (11.3.1999) by S.I. 1999/787, art. 14(1)
- C63** S. 25(1)(b) amended (16.2.2001) by 2000 c. 41, s. 7(2)(c) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

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## 26 Returning officer: Northern Ireland.

(1) In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the returning officer for each constituency.

[<sup>F74</sup>(2) Sections 14(5) and 14A(2) and (3) of the <sup>M29</sup>Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as returning officer.]

### Textual Amendments

**F74** S. 26(2) inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 5](#)

### Modifications etc. (not altering text)

**C64** S. 26 applied (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)-(8), [Sch. 1](#)

**C65** S. 26(2) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

### Marginal Citations

**M29** [1962 c.14 \(N.I.\)](#)

## 27 Returning officers generally.

(1) It is for the returning officer as such to execute the writ for a parliamentary election, and the office of returning officer is a distinct office from that by virtue of which he becomes returning officer.

(2) Where a person takes any office by virtue of which he becomes returning officer, he (and not the outgoing holder of the office) shall complete the execution of any writ for a parliamentary election previously issued and not yet returned.

(3) A person is not subject to any incapacity to vote at a parliamentary election by reason of being or acting as returning officer at that election.

### Modifications etc. (not altering text)

**C66** S. 27(3) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

**C67** S. 27(3) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), [Sch. 1 Pt. I](#)

## 28 Discharge of returning officer's functions in England and Wales.

(1) In England and Wales the duties of the returning officer for a parliamentary election (except those mentioned in subsection (2) below) shall be discharged, as acting returning officer—

(a) in the case of a constituency [<sup>F75</sup>in England] for which the chairman of a district council or the mayor of a London borough is returning officer by virtue of section 24(1) above, by the registration officer appointed by that council;

[<sup>F76</sup>(aa) in the case of a constituency in Wales for which the chairman of a county or county borough council is returning officer by virtue of that section, by the registration officer appointed by that council;]

*Status:* Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

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- (b) in the case of any other constituency, by such registration officer as may be designated in an order made [F77 by statutory instrument] by the Secretary of State.
- (2) The duties excepted from subsection (1) above are—
- (a) any duty imposed on a returning officer under rule 3 of the parliamentary elections rules; and
- (b) any duty so imposed under rule 50 of those rules which the person (if any) who for the time being holds the office of returning officer reserves to himself and undertakes to perform in person.
- (3) The returning officer shall give to the acting returning officer written notice of any duties which he reserves to himself under paragraph (b) of subsection (2) above, and that paragraph shall, in the case of any election, apply to the duties (if any) of which the notice is so given not later than the day following that on which the writ is received, and to no others.
- (4) In the discharge of the duties imposed by subsection (1) an acting returning officer has all the powers, obligations, rights and liabilities of the returning officer under this Act, and this Act has effect accordingly.
- (5) An acting returning officer has power to appoint deputies to discharge all or any of those duties, [F78 and a [F79 Welsh county council or county borough council or a] district council or London borough council may assign officers to assist in carrying out all or any of those duties.]
- (6) Section 25 of the M30 Sheriffs Act 1887 (death of sheriff) does not authorise the undersheriff to discharge the duties of returning officer, and upon a sheriff's death the acting returning officer shall discharge all the sheriff's duties as returning officer until another sheriff is appointed and has made the declaration of office.

#### Textual Amendments

- F75** Words in s. 28(1)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(4)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F76** S. 28(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(4)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1)(23(2))**); S.I. 1996/396, art. 4, **Sch. 2**
- F77** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 6(a)**
- F78** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 6(b)**
- F79** Words in s. 28(5) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(5)** (with ss. 54(4)(7), 55(5), **Schs. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**

#### Modifications etc. (not altering text)

- C68** S. 28(1)(b) amended (16.2.2001) by 2000 c. 41, s. 7(2)(c) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- C69** S. 28(4) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C70** S. 28(5) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C71** S. 28(6) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 5(1)(6)–(8), **Sch. 1 Pt. I**

#### Marginal Citations

- M30** 1887 c. 55.

*Status:* Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

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## 29 Payments by and to returning officer.

- (1) No consideration shall be given by or to a returning officer for the making out, receipt, delivery or return of the writ for a parliamentary election or, subject to the following provisions of this section, otherwise in connection with its execution.
- (2) Nothing in subsection (1) above shall be taken as applying to any inclusive salary payable to a returning officer in respect of the office by virtue of which he becomes returning officer.
- [<sup>F80</sup>(3) A returning officer shall be entitled to recover his charges in respect of services properly rendered, or expenses properly incurred, for or in connection with a parliamentary election if—
  - (a) the services or expenses are of a kind specified in an order made by the Treasury; and
  - (b) the charges are reasonable.
- (4) In any order made under subsection (3) above the Treasury may specify a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (4A) below, the returning officer may not recover more than that amount in respect of any such services or expenses.
- (4A) The Treasury may, in a particular case, authorise the payment of more than the specified maximum amount for any specified services or expenses if satisfied—
  - (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses; and
  - (b) that the charges in question are reasonable.
- (4B) Any order under subsection (3) above which specifies a maximum amount for services or expenses of a particular description may—
  - (a) provide for that amount to increase at prescribed dates, or after prescribed periods, by reference to such formula or other method of determination as may be specified in the order; and
  - (b) make such transitional provision in connection with any such increase as the Treasury consider appropriate.
- (4C) The power to make orders under subsection (3) above shall be exercised by statutory instrument [<sup>F81</sup>; and any such order may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.]].
- (5) The amount of any [<sup>F82</sup> charges recoverable in accordance with this section] shall be charged on and paid out of the Consolidated Fund on an account being submitted to the Treasury, but the Treasury may if they think fit, before payment, apply for the account to be taxed under the provisions of section 30 below.
- (6) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer's charges at a parliamentary election, then on an account being submitted to the Treasury a sum equal to the increase shall be charged on and paid out of the Consolidated Fund to the authority.
- (7) On the returning officer's request for an advance on account of his charges, the Treasury may, on such terms as they think fit, make such an advance.

*Status:* Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

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(8) The Treasury may make regulations as to the time when and the manner and form in which accounts are to be rendered to them for the purposes of the payment of a returning officer's charges.

[<sup>F83</sup>(9) If the functions of the Treasury under subsections (3) and (4) above are transferred to another Minister of the Crown (as defined in section 8(1) of the <sup>M31</sup>Ministers of the Crown Act 1975) by an order under that Act, this section shall have effect as if it required the consent of the Treasury to the exercise of any such function.]

#### Subordinate Legislation Made

- P1** S. 29(3): power conferred by s. 29(3) exercised (G.B.) by S.I. 1991/1687, **art.2**.  
**P2** S. 29(3): power conferred by s. 29(3) exercised (N.I.) by S.I. 1991/1688, **art.2**.

#### Textual Amendments

- F80** S. 29(3)-(4C) substituted (22.7.1991) for s. 29(3)(4) by Representation of the People Act 1991 (c. 11, SIF 42), **s. 1(2)**; S.I. 1991/1634, **art. 2**  
**F81** Words in s. 29(4C) added (29.1.2001 for certain purposes and otherwise *prosp.*) by 2000 c. 2, ss. 15(1), 17(3), **Sch. 6 para. 4**; S.I. 2001/116, **art. 2(1)** (with art. 2(4))  
**F82** Words in s. 29(5) substituted (22.7.1991) by Representation of the People Act 1991 (c. 11, SIF 42), **s. 1(3)**; S.I. 1991/1634, **art. 2**  
**F83** S. 29(9) inserted (22.7.1991) by Representation of the People Act 1991 (c. 11, SIF 42), **s. 1(4)**; S.I. 1991/1634, **art. 2**.

#### Modifications etc. (not altering text)

- C72** S. 29 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C73** S. 29 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**  
**C74** S. 29 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1**  
**C75** S. 29 modified (S.) by S.I. 1986/1111, regs. 2, **97(1)**  
**C76** S. 29 modified (E.W.) by S.I. 1986/1081, **regs. 2, 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
**C77** S. 29 applied (with modifications) (11.3.1999) by S.I. 1999/787, arts. 13(5), 18, **Sch. 5 Pt. I para. 3**  
S. 29 applied (with modifications) (11.3.1999) by S.I. 1999/787, arts. 13(5), 18, **Sch. 5 Pt. I para. 3**  
**C78** S. 29(3)(4)(4A)(4B)(5)(7)(8) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(a)(3)**  
**C79** S. 29(5)(7)(8) modified (S.) by S.I. 1986/1111, **regs.2, 97(1)**.  
**C80** S. 29(5)(7)(8) modified (E.W.) by S.I. 1986/1081, **regs.2, 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)

#### Marginal Citations

- M31** 1975 c.26.

### 30 Taxation of returning officer's account.

- (1) An application for a returning officer's account to be taxed shall be made—
- (a) where the account relates to an election in a constituency in England or Wales or in Northern Ireland, to the county court,
  - (b) where the account relates to an election in a constituency in Scotland, to the Auditor of the Court of Session,
- and in this section the expression “the court” means that court or Auditor.



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- (2) On any such application the court has jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.
- (3) On any such application the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to with or without costs; and the determination of the court shall be final for all purposes and as against all persons.
- (4) Any reference in this section to the county court shall be taken, in relation to Northern Ireland, as a reference to the county court having jurisdiction at the place for the delivery of nomination papers at the election in question.

**Modifications etc. (not altering text)**

- C81** S. 30 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C82** S. 30 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3 5(1)(6)–(8), Sch. 1 Pt. I
- C83** S. 30 modified (S.) by S.I. 1986/1111, regs. 2, 97(1)
- C84** S. 30 modified (E.W.) by S.I. 1986/1081, **reg. 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 30 modified (E.W.) (23.3.2004) by **The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004** (S.I. 2004/294), **reg. 6(1)(b)**
- C85** S. 30 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
S. 30 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 30 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C86** S. 30(1)–(3) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

*Place and manner of voting at local government elections*

**31 Polling districts and stations at local government elections.**

- (1) For elections of county councillors [<sup>F84</sup>in England] . . ., the county council may divide an electoral division into polling districts, and may alter any polling district, and for elections of London borough or district councillors the London borough or district council may divide the London borough or district or any ward thereof into polling districts, and may alter any polling district.

[<sup>F85</sup>(1A) For elections of county or county borough councillors in Wales, the county or county borough council may divide an electoral division into polling districts and may alter any polling district.]

[<sup>F86</sup>(1B) For any Authority elections, a London borough council or the Common Council may divide their area into polling districts and may alter any polling district.

For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.]

- (2) In Scotland, for elections of [<sup>F87</sup>local authority] councillors the [<sup>F88</sup>local authority] may divide an electoral [<sup>F89</sup>ward] into polling districts and may alter any polling district, <sup>F90</sup> . . .; but in the absence of special circumstances those polling districts shall be those

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which were last designated for the purpose of parliamentary elections under section 18 above.

- (3) Any power to constitute polling districts for the purpose of local government elections shall be exercised so that electors from any parliamentary polling district wholly or partly within the electoral 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 electoral area.

<sup>F91</sup>(4) .....

<sup>F92</sup>(6) .....

#### Textual Amendments

- F84** Words in s. 31(1) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(6)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8)
- F85** S. 31(1A) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(6)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8)
- F86** S. 31(1B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 2** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F87** Words in s. 31(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(4)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F88** Words in s. 31(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(4)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F89** Word in s. 31(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(4)(c)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F90** Words in s. 31(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 130(3)(d)**, **Sch. 14**; S.I. 1996/323, **art. 4(1)(b)(c)(d)**, **Sch. 2**
- F91** S. 31(4)(5) repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F92** S. 31(6)(7) inserted by **Local Government Act 1985** (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(2)** and repealed by **Education Reform Act 1988** (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**

#### Modifications etc. (not altering text)

- C87** S. 31: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1 D9**
- C88** S. 31(1)(3) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, **reg. 8(1)**, **Sch. 3 Table 2** (subject to regs. 9-12, 15-17, 20, 25)  
S. 31(3) applied (with modifications) (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004** (S.I. 2004/870), **reg. 8**, {**Sch. 3 Table 2**} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- C89** S. 31(1) applied (with modifications) (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004** (S.I. 2004/870), **reg. 8**, {**Sch. 3 Table 2**} (which S.I. was revoked by S.I. 2008/1848)

<sup>F93</sup>32– .....

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#### Textual Amendments

- F93** Ss. 32–34 repealed by **Representation of the People Act 1985** (c. 50, SIF 42), s. 28, **Sch. 5**

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## Conduct of local government elections in England and Wales

### 35 Returning officers: local elections in England and Wales.

(1) In England <sup>F94</sup> . . . [<sup>F95</sup>every non-metropolitan county council] shall appoint an officer of the council to be the returning officer for elections of councillors of the county and every district council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes <sup>F94</sup> . . . within the district.

<sup>F96</sup>(1A) In Wales the council of every county or county borough shall appoint—

- (a) an officer of the council to be the returning officer for elections of councillors of the county or county borough; and
- (b) an officer of the council to be the returning officer for elections of councillors of communities within the county or county borough.]

<sup>F97</sup>(2) . . . . .

<sup>F98</sup>(2A) Subsections (2B) and (2C) below have effect in relation to the Greater London Authority.

(2B) The returning officer at an election of a constituency member of the London Assembly shall be such a person, or a person of such a description, as may be designated by the Secretary of State in an order made by statutory instrument.

(2C) The returning officer—

- (a) at any election of the Mayor of London,
  - (b) at the election of the London members of the London Assembly at an ordinary election, and
  - (c) for the purposes of section 11 of the 1999 Act (return of London members of the London Assembly otherwise than at an election),
- shall be the proper officer of the Greater London Authority.]

(3) The returning officer at an election of London borough councillors shall be the proper officer of the borough.

<sup>F99</sup>(3A) . . . . .

(4) The returning officer at any election mentioned in subsections (1) to (<sup>F100</sup>3) above may by writing under his hand appoint one or more persons to discharge all or any of his functions.

(5) A local government election in England and Wales is not liable 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.

<sup>F101</sup>(6) The council for any London borough shall place the services of its officers at the disposal of any person acting as the returning officer at an Authority election for an electoral area situated wholly or partly in the borough.]

#### Textual Amendments

**F94** Words in s. 35(1) repealed (20.3.1995) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(7), **Sch. 18**; S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8)

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- F95** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 11**
- F96** S. 35(1A) inserted (20.3.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(7)**; S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8); S.I. 1996/396, art. 4, **Sch. 2**
- F97** S. 35(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F98** S. 35(2A)-(2C) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 3(1)(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F99** S. 35(3A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(3)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F100** Figure 3 now stands within brackets by virtue of Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. II para. 50**
- F101** S. 35(6) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 3(1)(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

#### Modifications etc. (not altering text)

- C90** S. 35: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1)**, **Sch. 1 D6**
- C91** S. 35(2B) amended (16.2.2001) by 2000 c. 41, s. 7(2)(c), (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- C92** S. 35(4) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, **regs. 8(1), 10(4)**, **Sch. 3 Table 2** (subject to **regs. 9-12, 15-17, 20, 25**)  
S. 35(4) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {**Sch. 3 Table 2**} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 35(4) applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6, **Sch. 2 Pt. 2**  
S. 35(4) applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {**Sch. 4 para. 1 Table 1**}
- C93** S. 35(4) applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {**Sch. 4 para. 1 Table 1**}

## 36 Local elections in England and Wales.

- (1) Elections of councillors for local government areas in England and Wales shall be conducted in accordance with rules made by the Secretary of State.
- (2) Rules made under this section shall apply the parliamentary elections rules in Schedule 1 to this Act, subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.

[<sup>F102</sup>(2A) As regards the Greater London Authority—

- (a) Authority elections, and
- (b) the return of London members of the London Assembly otherwise than at an election,

shall be conducted in accordance with rules made under this subsection by the Secretary of State.

Rules made under this subsection need not comply with the requirements of subsection (2) above.

- (2B) As regards lists of candidates submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members), the provision that may be made by rules under subsection (2A) above includes provision for or in connection with any of the following—

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- (a) the inclusion, withdrawal, addition or removal of persons;
- (b) cases where a person included in such a list is or becomes, or seeks to become, an individual candidate to be a London member of the London Assembly.]

[<sup>F103F104</sup>(3) Where the polls at—

- (a) the ordinary election of district councillors for any district ward or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish <sup>F105</sup> . . . councillors for any parish <sup>F105</sup> . . . or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.

[ Where the polls at—

- <sup>F103</sup>(3AB) (a) the ordinary election of councillors for any electoral division of a Welsh county or county borough or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of community councillors for any community or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.]]

[<sup>F106</sup>(3AC) Where the polls at—

- (a) the ordinary election of councillors for any electoral division of a county in England in which there are no district councils or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish councillors for any parish or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.]

(3A) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other.

<sup>F107</sup>(3AA) . . . . .

(3B) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.

(3C) The Secretary of State may by regulations make such provision as he thinks fit in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.

(4) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a principal area (that is, a county, [<sup>F108</sup>a county borough]. . . , a district or a London borough) shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.

<sup>F109</sup>(4A) . . . . .

[<sup>F110</sup>(4B) All expenditure properly incurred by a returning officer in relation to the holding of an Authority election shall, in so far as it does not, in cases where there is a scale fixed

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for the purposes of this section by the Greater London Authority, exceed that scale, be paid by the Greater London Authority.]

- (5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a parish<sup>F111</sup> . . . councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the district in which the parish<sup>F111</sup> . . . is situated, exceed that scale, be paid by the district council, but any expenditure so incurred [<sup>F112</sup>shall, if the district council so require, be repaid to that council by the council of the parish<sup>F111</sup> . . . for which the election is held.]
- [<sup>F113</sup>(5A) All the expenditure properly incurred by a returning officer in relation to the holding of an election of a community councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the county or county borough in which the community is situated (“the principal council”), exceed that scale, be paid by the principal council; and if the principal council so require, any expenditure so incurred shall be repaid to them by the community council.]
- (6) Before a poll is taken at an election of a councillor for any local government area in England and Wales the council of that area or, in the case of an election of a parish or community councillor, the council who appointed the returning officer shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.
- [<sup>F114</sup>(6A) Subsection (6) above shall apply in relation to an Authority election as it applies 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 Greater London Authority.]
- (7) Rules made under this section shall be—
- (a) made by statutory instrument;
  - (b) subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F102** S. 36(2A)(2B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F103** S. 36(3AB) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(8)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F104** S. 36(3)(3A)(3B)(3C) substituted (E.W.S.) for s. 36(3) by Representation of the People Act 1985 (c. 50, SIF 42), **s. 17.**
- F105** Words in s. 36(3)(b) repealed (20.3.1995) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(8), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F106** S. 36(3AC) inserted (18.3.1998) by 1997 c. 29, s. 33(1), **Sch. 3 para. 17**; S.I. 1998/694, **art. 2**
- F107** S. 36(3AA) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(4)(a)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F108** Words in s. 36(4) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(9)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F109** S. 36(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 19(5)(6), **Sch. 9 para. 1(4)(b)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F110** S. 36(4B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F111** Words in s. 36(5) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 68(10)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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- F112** Words in s. 36(5) substituted (G.B.) by S.I. 1991/1730, art. 2(2), **Sch. 2 Pt. I**.
- F113** S. 36(5A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(10)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F114** S. 36(6A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(4)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

#### Modifications etc. (not altering text)

- C94** S. 36 amended (16.2.2001) by 2000 c. 41, s. 7(2)(d) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- C95** S. 36(4) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- C96** S. 36(4) excluded (5.7.1994) by 1972 c. 70, s. 37, **Sch. 5 para. 3(2)** (as substituted (5.7.1994) by 1994 c. 19, ss. 3, 66(2)(b), Sch. 3 (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 36(4) excluded (1.3.1995) by S.I. 1995/493, **arts. 1, 9(6)**  
S. 36(4) excluded (8.3.1995) by S.I. 1995/600, **arts. 1, 7(7)**  
S. 36(4) excluded (8.3.1995) by S.I. 1995/610, **arts. 1, 8(2)**
- C97** S. 36(4)(5A) modified (11.3.1999) by S.I. 1999/450, art. 14(7), **Sch. 4 Pt. I para. 3(1)(c)(4)** (which S.I. was revoked (1.3.2003) by S.I. 2003/284, **art. 1**)  
S. 36(4)(5A) modified (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), arts. 1(1), 16(7), **Sch. 4 para. 3(1)(c)(4)(a)**
- C98** S. 36(4)(6) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3 Table 2** (subject to regs. 9-12, 15-17, 20, 25)  
S. 36(4)(6) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 36(4)(6) applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C99** S. 36(4) modified (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), art. 15(7), **Sch. 4 para. 3(1)(c)(4)(a)** (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))  
S. 36(4) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**
- C100** S. 36(4)(6) applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C101** S. 36(4B) excluded (14.12.1999) by 1999 c. 29, s. 18(8); S.I. 1999/3376, **art. 2**
- C102** S. 36(5) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 36(5) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**
- C103** S. 36(5A) modified (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), art. 15(7), **Sch. 4 para. 3(1)(c)(4)(b)** (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))  
S. 36(5A) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**
- C104** S. 36(6) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)(2)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- C105** S. 36(6) modified (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), art. 15(7), **Sch. 4 para. 3(2)** (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))  
S. 36(6) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)**  
S. 36(6) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(2)**

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S. 36(6) modified (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 16(7), **Sch. 4 para. 3(2)**

**C106** S. 36(6A) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(1)(c)**

### 37 Ordinary day of local elections in England and Wales.

[<sup>F115</sup>(1)] In every year the ordinary day of election of councillors is the same for all local government areas in England and Wales and is—

- (a) the first Thursday in May;
- (b) such other day as may be fixed by the Secretary of State by order made not later than 1st February in the year preceding [<sup>F116</sup>the year (or, in the case of an order affecting more than one year, the first year)] in which the order is to take effect.

[<sup>F117</sup>(2)] As respects Authority elections, the power conferred by subsection (1)(b) above shall include power to make an order fixing a day other than the first Thursday in May as the day on which the poll is to be held at an ordinary election other than the first.]

[<sup>F118</sup>(3)] The power to make an order under this section is exercisable by statutory instrument.

#### Textual Amendments

**F115** S. 37 renumbered as s. 37(1) (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 5\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376, art. 2](#)

**F116** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **s. 18(2)**

**F117** S. 37(2) inserted (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 5\(5\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376, art. 2](#)

**F118** Words in s. 37 renumbered as s. 37(3) (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 5\(4\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376, art. 2](#)

#### Modifications etc. (not altering text)

**C107** S. 37 excluded (6.2.2004) by [The Local Government \(Ordinary Day of Election\) \(Wales\) Order 2004 \(S.I. 2004/218\)](#), **art. 2(1)**

S. 37 excluded (13.3.2004) by [The Local Elections \(Ordinary Day of Election 2004\) Order 2004 \(S.I. 2004/222\)](#), **art. 2(1)**

VALID FROM 30/12/2007

### [<sup>F119</sup>37A Power to change date of local elections to date of European Parliamentary general election: England

- (1) The Secretary of State may by order provide that in a year in which a European Parliamentary general election is to be held—
- (a) the ordinary day of election of councillors for counties in England, districts and London boroughs,
  - (b) the ordinary day of election of councillors for parishes, and
  - (c) as respects Authority elections, the day on which the poll is to be held at an ordinary election,



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- shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under all of paragraphs (a) to (c) or under one or more of those paragraphs.
  - (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
    - (a) the local election day in that year, or
    - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
  - (4) For this purpose “the local election day” in a particular year is—
    - (a) the first Thursday in May, or
    - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
  - (5) Before making an order under this section, the Secretary of State must consult—
    - (a) the Electoral Commission, and
    - (b) such other persons as he considers appropriate.
  - (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
  - (7) Where the Welsh Ministers make an order under section 37B, the Secretary of State may by order make such consequential provision in relation to elections in England as he thinks fit.
  - (8) The powers under subsections (6) and (7) include power to make—
    - (a) different provision for different purposes;
    - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
  - (9) An order under this section must be made by statutory instrument.
  - (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

**F119** Ss. 37A, 37B inserted (30.12.2007) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), ss. 60(2), 245

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VALID FROM 30/12/2007

### **37B Power to change date of local elections to date of European Parliamentary general election: Wales**

- (1) The Welsh Ministers may by order provide that, in a year in which a European Parliamentary general election is to be held, the ordinary day of election of councillors for—
  - (a) counties in Wales and county boroughs, and
  - (b) communities,
 shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under paragraphs (a) and (b) or under one of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
  - (a) the local election day in that year, or
  - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
  - (a) the first Thursday in May, or
  - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
- (5) Before making an order under this section, the Welsh Ministers must consult—
  - (a) the Electoral Commission, and
  - (b) such other persons as they consider appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Secretary of State makes an order under section 37A, the Welsh Ministers may by order make such consequential provision in relation to elections in Wales as they think fit.
- (8) The powers under subsections (6) and (7) include power to make—
  - (a) different provision for different purposes;
  - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
- (9) An order under this section must be made by statutory instrument.
- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.]

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**Textual Amendments**

**F119** Ss. 37A, 37B inserted (30.12.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 60(2), 245

<sup>F120</sup>38 .....

**Textual Amendments**

**F120** S. 38 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28 Sch. 4 para. 7, Sch. 5

**39 Local elections void etc. in England and Wales.**

- (1) If in England and Wales at [<sup>F121</sup>a local government election, other than an election for the return of the London members of the London Assembly,]—
- (a) the poll is countermanded or abandoned for any reason, or
  - (b) no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held,

the returning officer <sup>F122</sup> . . . shall order an election to fill any vacancy which remains unfilled to be held on a day appointed by him.

That day shall be within the period of [<sup>F123</sup>35 days] (computed according to section 40 below) beginning with the day fixed as the day of election for the first mentioned election.

<sup>F124</sup>(1A) .....

- (2) If for any other reason an election to an office under the <sup>M32</sup>Local Government Act 1972 [<sup>F125</sup>or the 1999 Act] . . . , other than that of chairman of a parish or community council or parish meeting or parish or community councillor, is not held on the appointed day or within the appointed time, or fails either wholly or in part or becomes void, the High Court may order an election to be held on a day appointed by the court.
- (3) The High Court may order that the costs incurred by any person in connection with proceedings under subsection (2) above shall be paid by the local authority concerned.
- (4) In a case not falling within subsection (1) above—
- (a) if any difficulty arises with respect to an election of parish or community councillors or of an individual parish or community councillor, or to the first meeting of a parish or community council after an ordinary election of parish or community councillors, or
  - (b) if a parish or community council is not properly constituted because an election is not held or is defective or for any other reason,
- the district council [<sup>F126</sup>or Welsh county or county borough council]—
- (i) may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or meeting and properly constituting the council, and

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- (ii) may, if it appears to them necessary, direct the holding of an election or meeting and fix the date for it.
- (5) Where an election is ordered to be held under this section—
- (a) rules under section 36 above relating to the notice to be given of an election and the manner in which an election is to be conducted apply in relation to the election so ordered to be held as they applied or would have applied in relation to the election which has not been duly held or has failed or become void;
- (b) no fresh nomination is necessary in the case of a candidate who remains validly nominated for that election.
- (6) An order made—
- (a) under this section may include such modifications of the provisions of—
- (i) this Part of this Act (and the rules under section 36), and
- (ii) the <sup>M33</sup>Local Government Act 1972 [<sup>F127</sup>or the 1999 Act] . . . ,
- as appear to the High Court, or, as the case may be, the district council [<sup>F126</sup>or Welsh county or county borough council], necessary or expedient for carrying the order into effect;
- (b) by a <sup>F128</sup>. . . council under subsection (4) above with respect to an election of parish or community councillors may modify the provisions of—
- (i) this Act (and the rules with respect to such elections under section 36); and
- (ii) any other enactment relating to such elections.
- (7) In the case of a common parish council under which are grouped, by virtue of section 11(5) of the Local Government Act 1972 (grouping of parishes), parishes situated in different districts, references in subsections (4) and (6) above to the district council shall be construed as references to the council of the district in which there is the greater number of local government electors for the parishes in the group.
- <sup>F129</sup>(8) . . . . .
- (9) If a municipal election in a London borough is not held on the appointed day or within the appointed time or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from acting.

### Textual Amendments

- F121** Words in s. 39(1) substituted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 6(1)(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F122** Words repealed by **Local Government Act 1985** (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F123** Words substituted by **Representation of the People Act 1985** (c. 50, SIF 42), s. **19(2)**
- F124** S. 39(1A) inserted after s. 39(1) by **Local Government Act 1985** (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(5)** and repealed by **Education Reform Act 1988** (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F125** Words in s. 39(2) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 6(1)(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F126** Words in s. 39(4)(6)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(11)(a)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F127** Words in s. 39(6)(a)(ii) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 6(1)(4)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

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- F128** Word in s. 39(6)(b) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 68(11)(b)** (with ss. 54(4)(7), 55(5), **Sch. 17** paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F129** S. 39(8) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4** para. 8, **Sch. 5**

#### Modifications etc. (not altering text)

- C108** S. 39(1) restricted (E.W.S.) by Representation of the People Act 1985 (c. 50, SIF 42), s. 21(2)(c)  
S. 39(1) applied (with modifications) (29.2.2000) by S.I. 2000/208, rule 3(1), **Sch. 1 Pt. VII para. 51(2)**  
S. 39(1) applied (with modifications) (29.2.2000) by S.I. 2000/208, rule 3, **Sch. 4 para. 15**  
S. 39(1) applied (with modifications) (15.3.2000) by S.I. 2000/427, rule 3(1), **Sch. 1 para. 51** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, **rule 1(1)(2)(a)**)  
S. 39(1) applied (with modifications) (15.3.2000) by S.I. 2000/427, rule 3, **Sch. 4 para. 15** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, **rule 1(1)(2)(a)**)  
S. 39(1) applied (with modifications) (1.3.2004) by S.I. 2002/427, **Sch. 8** rule 54 (as substituted by The Greater London Authority Elections (Amendment) Rules 2004 (S.I. 2004/227), rule 2(8), **Sch. 5**)  
S. 39(1) applied (with modifications) (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), **reg. 3(2)**, {Sch. 1 rule. 60(2)}  
S. 39(1) applied (with modifications) (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), **reg. 5(3)**, {Sch. 5 rule. 60(2)}
- C109** S. 39(1)(5) applied (29.2.2000) by S.I. 2000/208, rule 3(3), **Sch. 3 para. 56(1)**  
S. 39(1)(5) applied (E.W.) (1.3.2004) by S.I. 1986/2214, **Sch. 3** rule 49 (as substituted by The Local Elections (Principal Areas) (Amendment) (England and Wales) Rules 2004 (S.I. 2004/223), rule 2(7), **Sch.** (which S.I. was revoked (2.1.2007) by S.I. 2006/3304, rule1(4), **Sch. 1**))  
S. 39(1)(5) applied (29.2.2000) by S.I. 2000/208, rule 3(3), **Sch. 3 para. 56(1)**  
S. 39(1)(5) applied (E.W.) (1.3.2004) by S.I. 1986/2215, **Sch. 3** rule 49 (as substituted by The Local Elections (Parishes and Communities) (Amendment) (England and Wales) Rules 2004 (S.I. 2004/224), rule 2(7), **Sch.** (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule1(4), **Sch. 1**))  
S. 39(1)(5) applied (with modifications) (1.3.2004) by S.I. 2002/427, **Sch. 10** rule 58 (as substituted by The Greater London Authority Elections (Amendment) Rules 2004 (S.I. 2004/227), rule 2(8), **Sch. 5** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, rule 1(1)(2)(d)))  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304), rules 1(2), 3, **Sch. 2 para. 55(1)**  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304), rules 1(2), 4, **Sch. 3 para. 55(1)**  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), rules 1(2), 3, **Sch. 2 para. 55(1)**  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), rules 1(2), 4, **Sch. 3 para. 55(1)**  
S. 39(1)(5) applied (E.W.S.) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), reg. 4, **Sch. 3 para. 60(1)**  
S. 39(1)(5) applied (E.W.S.) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), reg. 3(1), **Sch. 1 para. 60(1)**  
S. 39(1)(5) applied (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), reg. 5(5), **Sch. 7 rule 65(2)**  
S. 39(1)(5) applied (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), reg. 3(4), **Sch. 3 rule 65(2)**
- C110** S. 39(1)(5) applied (E.W.) (13.3.2004) by S.I. 2002/185, **Sch. 3** rule 54(1) (as substituted by The Local Elections (Mayoral Elections) (England and Wales) Regulations 2004 (S.I. 2004/225), reg. 2(7), **Sch.**)
- C111** S. 39(4) modified (E.W.S.) by Representation of the People Act 1985 (c. 50, SIF 42), s. 21(2)(b)  
S. 39(4): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1** D10
- C112** S. 39(7) applied (E.W.S.) by Representation of the People Act 1985 (c. 50, SIF 42), s. 21(3)

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#### Marginal Citations

M32 1972 c. 70

M33 1972 c. 70.

## 40 Timing as to local elections in England and Wales.

- (1) When the day on which anything is required to be done by section 37 or section 39 above [<sup>F130</sup>or section 16 of the Representation of the People Act 1985][<sup>F131</sup>or section 3 of the 1999 Act]is a [<sup>F132</sup>Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, bank holiday] or a day appointed for public thanksgiving or mourning, the requirement shall be deemed to relate to the first day thereafter which is not one of the days specified above.

F133  
.....

- (2) Where under subsection (1) above the day of election is postponed, the day to which it is postponed shall be treated for the purposes of this Act [<sup>F134</sup>and the <sup>M34</sup>Local Government Act 1972][<sup>F135</sup>and (in the case of an Authority election) the 1999 Act]as the day of election.

- (3) In computing any period of time for the purpose of any rules under section 36 above or for the purposes of section 39 any day specified in subsection (1) shall be disregarded; but where between the giving of a notice of election and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provision, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.

This subsection, so far as it relates to any such rules, has effect subject to the provisions of those rules.

#### Textual Amendments

F130 Words inserted (E.W.S.) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), [s. 16\(2\)](#)

F131 Words in [s. 40\(1\)](#) inserted (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 7\(1\)\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376, art. 2](#)

F132 Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), [s. 19\(1\)\(a\)](#)

F133 Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), [ss. 19\(1\)\(b\)](#), 28, [Sch. 5](#)

F134 The words “and the Local Government Act 1972” now stand in the text by virtue of the [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [ss. 231\(7\), 235\(6\), 237](#), [Sch. 12 Pt. II para. 51](#)

F135 Words in [s. 40\(2\)](#) inserted (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 7\(1\)\(3\)](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376, art. 2](#)

#### Modifications etc. (not altering text)

C113 [S. 40\(3\)](#) applied (E.W.S.) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), [s. 21\(3\)](#)

#### Marginal Citations

M34 1972 c. 70.

*Status:* Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

*Changes to legislation:* Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### *Conduct of local government elections in Scotland*

#### **41 Returning officers: local elections in Scotland.**

- (1) Every local authority in Scotland shall appoint an officer of the authority to be the returning officer for each election of councillors for the authority, and if the person so appointed dies, resigns or is for any other reason unable to act, the authority may appoint another person to be returning officer at that election.
- (2) A returning officer in Scotland appointed under this Act may by writing under his hand appoint one or more persons to discharge all or any of his functions.
- (3) A local government election in Scotland is not liable 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.

#### **Modifications etc. (not altering text)**

C114 S. 41 extended (11.3.1999) by [S.I. 1999/787](#), [art. 14](#)

#### **42 Local elections in Scotland.**

- (1) Elections of councillors for local government areas in Scotland shall be conducted in accordance with rules made by the Secretary of State.
- (2) Rules made under this section shall apply the parliamentary elections rules in Schedule 1 to this Act subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.
- (3) Without prejudice to the generality of subsection (2) above, rules made under this section shall prescribe that the nomination paper of a candidate for election as a councillor for a local government area in Scotland shall contain a statement declaring that the candidate—
  - (a) consents to be nominated as a candidate;
  - <sup>F136</sup>(b) if elected, will accept office as a councillor and will faithfully perform the duties of the office;
  - (c) has attained the age of 21 years and is a Commonwealth citizen or citizen of the Republic of Ireland <sup>F137</sup>or a relevant citizen of the Union] and not subject to any legal incapacity, and
  - (d) is not subject to any of the disqualifications for office set out in section 31 of the <sup>M35</sup>Local Government (Scotland) Act 1973 (disqualifications for office as local authority member).
- (4) The statement mentioned in subsection (3) above shall also contain particulars of the candidate's qualification for office under paragraphs (a) to (d) of section 29(1) of that Act of 1973 (qualifications for office as local authority member), in such form as may be prescribed by rules made under this section.
- (5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor to a local authority shall be paid by the council of that authority, but only (in cases where there is a scale fixed for the purposes of this section by that council) in so far as it does not exceed that scale.

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- (6) Before a poll is taken at an election for a councillor for a local government area in Scotland, the council for that area shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.
- (7) Rules made under this section shall be—
- (a) made by statutory instrument;
  - (b) subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F136** S. 42(3)(b) repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40, SIF 76:2), s. 74, Sch. 8 Pt. II para. 32, **Sch. 9**

**F137** Words in s. 42(3)(c) inserted (6.8.1995) by S.I. 1995/1948, arts. 1(2), 5(2), Sch. 2 paras. 3(d), **6**

#### Modifications etc. (not altering text)

**C115** S. 42(5) modified (S.) by S.I. 1986/1111, **regs. 2, 97(1)**

**C116** S. 42(5)(6) modified (11.3.1999) by S.I. 1999/787, art. 13(5), **Sch. 5 Pt. I para. 3(1)(c)** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))

S. 42(5)(6) modified (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), arts. 1, 14(5), **Sch. 5 para. 3(1)(c)(2)** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**)

S. 42(5)(6) modified (15.3.2007 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937), arts. 1, 14(5), **Sch. 5 para. 3(1)(c)**

**C117** S. 42(6) modified (S.) by S.I. 1986/1111, **regs. 2, 97(1)(2)**

**C118** S. 42(6) modified (11.3.1999) by S.I. 1999/787, art. 13(5), **Sch. 5 Pt. I para. 3(2)** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))

#### Marginal Citations

**M35** 1973 c. 65.

### 43 Day of ordinary local elections in Scotland, and other timing provisions.

[<sup>F138</sup>(1) In every year in which ordinary elections of councillors for local government areas in Scotland are held, the [<sup>F139</sup>day on which the poll is held at an] election is—

- (a) the first Thursday in May; or
- (b) such other day as may be fixed by the Secretary of State by order made by statutory instrument not later than 1st February in the year preceding the year or, in the case of an order affecting more than one year, the first year in which the order is to take effect.

(1A) An order made under subsection (1)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[<sup>F140</sup>(1B) Despite subsection (1) above—

- (a) if the poll at an ordinary general election is, under section 2(5) of the Scotland Act 1998 (c.46) (“the 1998 Act”) (which enables the advancement or postponement, for up to a month, of the date of the poll at such an election),



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to be held on the day proposed by the Presiding Officer for the purposes of that provision; or

- (b) if an extraordinary general election is, under section 3(2) of that Act (which enables the holding of such an election), to be held on a day occurring within the relevant period,

the Scottish Ministers may, by order, provide that the poll at the ordinary local election to be held that year shall be held on that day;

(1C) In subsection (1B) above—

“extraordinary general election” means a general election for membership of the Scottish Parliament held under section 3 of the 1998 Act;

“ordinary general election” means a general election for membership of the Scottish Parliament held under section 2 of the 1998 Act;

“ordinary local election” means an ordinary election of councillors for local government areas in Scotland held in accordance with section 5 of the 1994 Act and this Act;

“relevant period” means the period beginning with 11th March in a year in which an ordinary local election falls to be held and ending with the day which immediately precedes the first Thursday in May in that year,

and references to the time when a local election falls or does not fall to be held are to be construed in accordance with section 5(3) of the 1994 Act.

(1D) An order under subsection (1B) above shall be made by statutory instrument.]

(2) Where—

- (a) the day or the last day on which anything is required or permitted to be done by any rules under section 42 above, or
- (b) the day on which anything is required to be done under subsection (1) [<sup>F141</sup>or (1B)] above <sup>F142</sup> . . . or section 45(1) below,

is a [<sup>F143</sup>Saturday] Sunday, [<sup>F143</sup>Christmas Eve] Christmas Day, New Year’s Day, [<sup>F143</sup>Maundy Thursday] Good Friday, bank holiday, or a public holiday, or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned, but, save as aforesaid or as otherwise expressly provided in this Act or by the <sup>M36</sup>Local Government [<sup>F144</sup>etc. (Scotland) Act 1994], in reckoning a number of days [<sup>F145</sup>for the purposes of this Part of this Act in so far as it relates to the conduct of local government elections in Scotland], the days before specified shall not be excluded.

(3) Where [<sup>F146</sup>the day on which the poll is held at] an election is postponed under subsection (2) above, the day on which the election is held shall be treated as the day of [<sup>F147</sup>poll] for all purposes of this Act or that Act of [<sup>F148</sup>1994] relating to that election.

(4) Where a day is declared to be a bank holiday or day of public thanksgiving or mourning, nothing in subsection (3) above affects the validity of any act done in relation to an election before or on the date of the declaration.

#### Textual Amendments

**F138** S. 43(1)(1A) substituted (S.) (1.4.1996) for s. 43(1) by 1994 c. 39, ss. 6, 7(2); S.I. 1996/323, art. 4(1) (a), **Sch. 1**

**F139** Words in s. 43(1) substituted (S.) (retrospectively) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(3)(a)(6)(a)

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*Changes to legislation:* Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F140** S. 43(1B)-(1D) inserted (S.) (22.1.2002) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 2(1)
  - F141** Words in s. 43(2)(b) inserted (S.) (22.1.2002) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 2(2)
  - F142** ", or section 44(2)" repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, Sch. 5
  - F143** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 19(3)
  - F144** Words in s. 43(2) substituted (S.) (retrospective to 8.11.1994) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(3)(b)(6)(b)
  - F145** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 19(3)
  - F146** Words in s. 43(3) inserted (S.) (retrospectively) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(3)(c)(i)(6)(a)
  - F147** Word in s. 43(3) substituted (S.) (retrospectively) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(3)(c)(ii)(6)(a)
  - F148** Word in s. 43(3) substituted (S.) (retrospective to 8.11.1994) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(3)(c)(iii)(6)(b)
- Modifications etc. (not altering text)**
- C119** S. 43 excluded (S.) (8.11.1994) by 1994 c. 39, ss. 5(2), 7(2); S.I. 1994/2850, art. 2, Sch. 1
- Marginal Citations**
- M36** 1973 c. 65.

F149 44 .....

- Textual Amendments**
- F149** S. 44 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 9, Sch. 5

**45 Non-election of local authority etc. in Scotland.**

- (1) If in Scotland—
  - (a) for any reason a local authority or members of a local authority are not elected in accordance with the provisions of this Act and the <sup>M37</sup>Local Government (Scotland) Act 1973, and the case is not otherwise provided for, or
  - (b) there is for any reason no legally constituted local authority for any area, or
  - (c) the number of members of a local authority then in office is less than the quorum ascertained in accordance with the provisions of Schedule 7 to that Act of 1973 (meetings and proceedings of local authorities).

the Secretary of State may direct the holding of an election for filling such vacancies as exist, and the election shall be held as soon as practicable after that, on a date to be fixed by him.

- (2) The Secretary of State may in that direction—
  - (a) make such provision as appears to him expedient for authorising any person to act in place of a local authority pending the election of members of the authority by an election under subsection (1) above; and
  - (b) make such incidental, consequential, transitional or supplemental provision as appears to him to be necessary or proper.

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#### Modifications etc. (not altering text)

- C120** S. 45 applied (with modifications) (temp. from 6.4.1995 to 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 7](#)
- S. 45 applied (S.) (13.11.2002 except for specified purposes) by [The Scottish Local Government Elections Rules 2002 \(S.S.I. 2002/457\)](#), [rules 1\(2\), 4](#), [Sch. 2 rule 48\(1\)](#) (which S.I. was revoked (17.2.2007) by [S.S.I. 2007/42](#), [art. 6\(1\)](#) (subject to [art. 6\(2\)](#)))

#### Marginal Citations

- M37** [1973 c. 65](#).

### *Supplemental provisions as to local government elections*

#### **46 Further provision as to local election voting.**

- (1) At a local government election for any electoral area no person shall as an elector and no person shall as proxy for any one elector—
- give more than one vote for any one candidate; or
  - give more votes in all than the total number of councillors to be elected for the electoral area.

[<sup>F150</sup>but this subsection does not apply in relation to Authority elections (where the votes allowed to be given are as specified in the applicable provisions of section 4, 10 or 16 of the 1999 Act).]

- (2) No person is subject to any incapacity to vote at a local government election by reason of his being or acting as returning officer at that election.

#### Textual Amendments

- F150** Words in s. 46(1) inserted (14.12.1999) by [1999 c. 29, s. 17](#), [Sch. 3 para. 8](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376](#), [art. 2](#)

#### **47 Loan of equipment for local elections.**

- (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament, may, on request, be lent to the returning officer at a local government election on such terms and conditions as [<sup>F151</sup>the Electoral Commission] may determine.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to—
- a local authority within the meaning of the <sup>M38</sup>Local Government Act 1972, or
  - a local authority within the meaning of the <sup>M39</sup>Local Government (Scotland) Act 1973.

as the case may be, shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under those Acts <sup>F152</sup> . . . on such terms and conditions as may be agreed.

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### Textual Amendments

- F151** Words in s. 47(1) substituted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(4)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F152** Words inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(7)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**

### Modifications etc. (not altering text)

- C121** S. 47 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)
- S. 47 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- S. 47 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 10**, **Sch. 4** (which S.I. was revoked by S.I. 2008/1848)
- S. 47 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- S. 47 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C122** S. 47 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C123** S. 47(1): functions of the Treasury under s. 47(1) transferred to the Secretary of State by S.I. 1991/1728, **art.2**.
- S. 47(1) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

### Marginal Citations

- M38** 1972 c. 70.
- M39** 1973 c. 65.

## 48 Validity of local elections, and legal costs.

- (1) No local government election shall be declared invalid by reason of any act or omission of the returning officer or any other person in breach of his official duty in connection with the election or otherwise of rules under section 36 or section 42 above 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 elections; and
  - (b) the act or omission did not affect its result.
- (2) A local government election, unless questioned by an election petition within the period fixed by law for those proceedings, shall be deemed to have been to all intents a good and valid election.
- (3) The council which is required to pay the expenses properly incurred by a returning officer in relation to any local government election may treat those expenses as including all costs properly incurred by the returning officer in connection with or in contemplation of any legal proceedings arising out of the election (including any criminal proceedings against the returning officer), whether or not the proceedings are in fact instituted.

**Status:** Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

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[<sup>F153</sup>(3A) In the application of subsection (3) above in relation to an Authority election, the Greater London Authority shall be treated as the council which is required to pay the expenses properly incurred by the returning officer.]

(4) In Scotland the election of a member of a local authority shall not be affected by reason only of any nullity or irregularity in the election of any other member of the authority.

#### Textual Amendments

**F153** S. 48(3A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 9** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

#### *Supplemental provisions as to parliamentary and local government elections*

### 49 Effect of registers.

<sup>F154</sup>(1) .....

<sup>F154</sup>(2) .....

<sup>F155</sup>(3) .....

(4) Any entry in the register of parliamentary or local government electors, if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Part relating to him as elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an election at which the day fixed for the poll is that or a later date.

[<sup>F156</sup>(5) A person registered as a parliamentary or local government elector, or entered in the list of proxies, shall not be excluded from voting on any of the following grounds: but this shall not prevent the rejection of the vote on a scrutiny, or affect his liability to any penalty for voting.

The grounds are—

- (a) that he is not of voting age;
- (b) that he is not, or, on [<sup>F157</sup>the relevant date]or the date of his appointment (as the case may be), was not—
  - (i) a Commonwealth citizen;
  - (ii) a citizen of the Republic of Ireland;
  - (iii) in the case of a person registered as a parliamentary elector in pursuance of an overseas elector’s declaration, a British citizen;
  - (iv) in the case of a person registered as a local government elector or entered in the list of proxies by virtue of being a relevant citizen of the Union, a relevant citizen of the Union;
- (c) that he is, or, on the qualifying date or the date of his appointment (as the case may be), was, otherwise subject to any other legal incapacity to vote.]

[<sup>F158</sup>(6) In subsection (5) above “the relevant date” means—

- (a) in relation to a person registered in the register in question as published in accordance with section 13(1) above, the 15th October immediately preceding the date of publication of the register;

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- (b) in relation to any other person registered in the register in question, the relevant date for the purposes of section 4 above.]

#### Textual Amendments

- F154** S. 49(1)(2) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(1), Sch. 1 para. 12(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F155** S. 49(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, Sch. 5
- F156** S. 49(5) substituted (6.8.1995) by S.I. 1995/1948, reg. 5(2), Sch. 2 paras. 5, 6
- F157** Words in s. 49(5)(b) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), Sch. 1 para. 12(3); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F158** S. 49(6) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), Sch. 1 para. 12(4); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

- C124** S. 49 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C125** S. 49 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I
- C126** S. 49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. 1
- C127** S. 49 modified (17.2.1994) by S.I. 1994/342, regs. 2(2), 15(3), 16(3)
- S. 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1
- S. 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1998/1126, art. 6, Sch. 2
- S. 49 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1
- C128** S. 49(2)–(5) modified (N.I.) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), s. 13(5)(6)
- C129** S. 49(2)(4)(5) applied (with modifications) (31.7.1997) by 1997 c.61, s. 3, Sch. 3 para. 13 Table 1
- C130** S. 49(4)(5) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), Sch. 3 Table 2 (subject to regs. 9-12, 15-17, 20, 25)
- S. 49(4)(5) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 8, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- S. 49(4)(5) applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), Sch. 2 Pt. 2

## 50 Effect of misdescription.

No misnomer or inaccurate description of any person or place named—

- (a) in the register of parliamentary electors, or
- (b) in the register of local government electors, or
- (c) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Part of this Act, and the parliamentary elections rules,

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

#### Modifications etc. (not altering text)

- C131** S. 50 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C132** S. 50 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- S. 50 applied (with modifications) (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), Sch. 3 Pt. I

**Status:** Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

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- S. 50 applied (with modifications) (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- S. 50 applied (with modifications) (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**
- S. 50 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**
- S. 50 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- S. 50 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5), Sch. 4 Pt. I**
- S. 50 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4), Sch. 4 Pt. I**
- S. 50 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C133** S. 50 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, **SIF 42**), ss. 2, 13(6), **Sch. 1 Pt. 1**
- C134** S. 50 modified (N.I.) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, **SIF 42**), **s. 13(5)(6)**  
S. 50 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C135** S. 50 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), **reg. 14(3)(4), Sch. 4**
- C136** S. 50 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4), Sch.**)
- C137** S. 50(b)(c) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

**F159** 51 .....

#### Textual Amendments

- F159** S. 51 repealed by Representation of the People Act 1985 (c. 50, **SIF 42**), ss. 24, 28, **Sch. 4 para. 11, Sch. 5**

## 52 Discharge of registration duties.

- (1) A registration officer shall comply with any general or special directions which may be given by the Secretary of State with respect to the arrangements to be made by the registration officer for carrying out his <sup>F160</sup>functions under this Act].
- <sup>F161</sup>(1A) Without prejudice to the generality of subsection (1) above, the directions which may be given under subsection (1) include directions requiring a registration officer to maintain his registers in a specified electronic form; and any such directions may in particular specify—
- (a) the software which is to be used in connection with the maintenance of the registers in that form;
  - (b) the standards in accordance with which that software is to be maintained and updated;
  - (c) how information required (by or under any enactment) to be included in the registers is to be recorded and stored in that form.]
- (2) Any of the duties and powers of a registration officer may be performed and exercised by any deputy for the time being approved <sup>F162</sup> . . . , by the council which appointed the registration officer, and the provisions of this Act apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.

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(3) In England and Wales, any acts authorised or required to be done by or with respect to the registration officer may, in the event of his incapacity to act or of a vacancy, be done by the proper officer of the council by <sup>F163</sup>or with respect to] whom the registration officer was appointed.

<sup>F164</sup>(4) It shall be the duty—

- (a) in England <sup>F165</sup>. . . , of a district council or London borough council,  
[ in Wales, of a county or county borough council, and]  
<sup>F166</sup>(aa)

(b) in Scotland, of <sup>F167</sup>every local authority],

to assign such officers to assist the registration officer as may be required for carrying out his functions under this Act.

(5) Subsection (2) above does not apply in Northern Ireland but sections 14(5) and 14A(2) and (3) of the <sup>M40</sup>Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer for Northern Ireland in his capacity as registration officer.]

#### Textual Amendments

- F160** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 12(a)**
- F161** S. 52(1A) inserted (16.2.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(5)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F162** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 12(b)**, Sch. 5
- F163** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 12(c)**
- F164** S. 52(4)(5) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 12(d)**
- F165** Words in s. 52(4)(a) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(12), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F166** S. 52(4)(aa) substituted (1.4.1996) for word by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(12)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F167** Words in s. 52(4)(b) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(5)**; S.I. 1996/323, art. 4(1)(c)

#### Modifications etc. (not altering text)

- C138** S. 52 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C139** S. 52 applied with modifications (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**
- C140** S. 52 applied with modifications (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, reg. 3)  
S. 52 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C141** S. 52 applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3)**, 2(2), 8(2)(3)  
S. 52 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), **Sch. 4 Pt. I**  
S. 52 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. I**  
S. 52 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)
- C142** S. 52 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 14(3)(4), **Sch. 4**
- C143** S. 52(1) applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C144** S. 52(1) applied with modifications (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**



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S. 52(1) amended (16.2.2001) by 2000 c. 41, s. 8(1) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

**C145** S. 52(5) applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C146** S. 52(5) applied with modifications (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**

**C147** S. 52(5) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**

S. 52(5) applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

#### Marginal Citations

**M40** 1962 c.14 (N.I.)

### 53 Power to make regulations as to registration etc.

(1) Provision may be made by regulations—

(a) with respect to the form of the register of electors and of <sup>F168</sup>. . . any special lists or records required by this Act in connection with the register or with any election;

[<sup>F169</sup>(b) with respect to—

(i) the procedure to be followed in the preparation of the register and the place and manner of its publication, and

(ii) the procedure to be followed in the preparation of any such special lists or records, and the time, place and manner of their publication; and]

(c) generally with respect to any matters incidental to the provisions of this Act so far as those provisions relate to the registration of electors or to voting by post or proxy.

<sup>F170</sup>(2) . . . . .

(3) Without prejudice to the generality of [<sup>F171</sup>subsection (1)] above, regulations made with respect to the matters mentioned in [<sup>F171</sup>that subsection] may contain any such provisions as are mentioned in Schedule 2 to this Act.

#### Textual Amendments

**F168** Words in s. 53(1)(a) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), **Sch. 1 para. 13(a), 15(1), Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

**F169** S. 53(1)(b) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 13(b)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

**F170** S. 53(2) repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**

**F171** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 13(b)**

#### Modifications etc. (not altering text)

**C148** S. 53 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I** (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(6)**; S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5)))

**C149** S. 53(1)(c) amended (N.I.) (16.2.1987) by Representation of the People Act 1985 (c. 50, SIF 42), s. 10, **Sch. 1 para. 25**; S.I. 1986/1080

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## 54 Payment of expenses of registration.

- (1) Any expenses properly incurred by a registration officer in the performance of his [<sup>F172</sup>functions under this Act] (in this Act referred to as “registration expenses”) shall (except in Northern Ireland) be paid by the local authority by whom the registration officer was appointed.
- (2) The registration expenses of the Chief Electoral Officer for Northern Ireland shall be paid out of moneys provided by Parliament.
- (3) Any fees [<sup>F173</sup>paid to the registration officer under this Act]—
  - (a) shall be accounted for by him and paid to the local authority by whom he was appointed;
  - (b) in the case of the Chief Electoral Officer for Northern Ireland, shall be accounted for by him to the Secretary of State and paid into the Consolidated Fund.
- (4) On the request of a registration officer for an advance on account of registration expenses—
  - (a) the local authority by whom the registration officer was appointed may, if they think fit, make such an advance to him of such an amount and subject to such conditions as they may approve; or
  - (b) in the case of the Chief Electoral Officer for Northern Ireland, the Secretary of State may, if he thinks fit, make such an advance to him of such an amount and subject to such conditions as the Secretary of State may approve.
- (5) Any registration expenses or contributions to them paid by the Common Council shall be paid out of the general rate and any sums paid to the Common Council under this section shall be placed to the credit of that rate.

### Textual Amendments

**F172** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 14\(a\)](#)

**F173** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 14\(b\)](#)

### Modifications etc. (not altering text)

**C150** S. 54 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

**C151** S. 54 applied with modifications (S.) by [S.I. 1986/1111](#), regs. 2, 13(3)(4)(5), [Sch. 3 Pt. I](#)

**C152** S. 54 applied with modifications (N.I.) by [S.I. 1986/1091](#), regs. 2, 14(3)(4)(5), [Sch. 3 Pt. I](#)

**C153** S. 54 applied with modifications (E.W.) by [S.I. 1986/1081](#), regs. 2, 14(3)(4)(5), [Sch. 3 Pt. I](#) (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), [reg. 3](#))

S. 54 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), [Sch. 2 Pt. 2](#)

**C154** S. 54 applied (17.2.1994) by [S.I. 1994/342](#), [regs. 1\(2\)\(3\)](#), 2(2), 8(2)(3)

S. 54: functions of local authority not to be responsibility of an executive of the authority (E.)

(16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1 D11](#)

S. 54 applied (with modifications) (E.W.) (16.2.2001) by [S.I. 2001/341](#), [reg. 13\(4\)\(5\)](#), [Sch. 4 Pt. I](#)

S. 54 applied (with modifications) (N.I.) (16.2.2001) by [S.I. 2001/400](#), [reg. 13\(3\)\(4\)](#), [Sch. 4 Pt. I](#)

S. 54 applied (with modifications) (9.4.2001) by [S.I. 2001/1184](#), [reg. 9](#), [Sch. Pt. I](#) (as substituted (17.3.2009) by [S.I. 2009/726](#), [regs. 1\(1\)](#), 2(3)(4), [Sch.](#))

**C155** S. 54 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008 \(S.I. 2008/1741\)](#), [reg. 14\(3\)\(4\)](#), [Sch. 4](#)

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- C156** S. 54 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C157** S. 54(1) amended (E.W.) by S.I. 1986/1081, regs. 2, 30(2) (which S.I. was revoked (23.3.2004) by S.I. 2004/294, reg. 3)
- C158** S. 54(1) amended (N.I.) by S.I. 1986/1091, regs. 2, 30(2)
- C159** S. 54(1) amended (S.) by S.I. 1986/1111, regs. 2, 29(2)
- C160** S. 54(2) applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C161** S. 54(2)–(3) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I
- C162** S. 54(3) applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C163** S. 54(4) applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C164** S. 54(4) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I

<sup>F174</sup>**55** .....

**Textual Amendments**

- F174** S. 55 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 15, Sch. 5

**56 Registration appeals: England and Wales.**

- (1) An appeal lies to the county court—
  - (a) from any decision under this Act of the registration officer on any [<sup>F175</sup>application] for registration or objection to a person’s registration made to and considered by him,
  - (b) from any decision under this Act of the registration officer disallowing a person’s application to [<sup>F176</sup>vote by proxy or by post as elector] or to vote by post as proxy, in any case where the application is not made for a particular election only,
- <sup>F177</sup>(c) .....
- <sup>F178</sup>(d) .....

but an appeal does not lie where the person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the registration officer on the matter which is the subject of the appeal, or has not given the prescribed notice of appeal within the prescribed time.

- (2) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this section.
- (3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given shall not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.
- (4) Notice shall be sent to the registration officer in manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal by virtue of this section, and the registration officer shall [<sup>F179</sup>], in accordance with sections 13A

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and 13B above.]make such alterations in the <sup>F180</sup>. . . register as may be required to give effect to the decision.

[<sup>F181</sup>(4A) Where, as a result of the decision on an appeal, an alteration in the register [<sup>F182</sup>made in pursuance of subsection (4) above takes effect under section 13(5), 13A(2) or 13B(3) above] on or before the last day on which nomination papers nominating candidates at an election may be delivered to the returning officer, subsection (3) above does not apply to that appeal as respects that election.]

(5) The registration officer shall undertake such duties in connection with appeals brought by virtue of this section as may be prescribed and shall on any such appeal be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this subsection.

<sup>F183</sup>(6) . . . . .

#### Textual Amendments

- F175** Word in s. 56(1)(a) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 14(2)(a)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F176** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 1**
- F177** S. 56(1)(c) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 16(a)**, Sch. 5
- F178** S. 56(1)(d) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), **Sch. 1 para. 14(2)(b)**, **Sch. 7 Pt. 1**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F179** Words in s. 56(4) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 14(3)(a)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F180** Words in s. 56(4) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), **Sch. 1 para. 14(3)(b)**, **Sch. 7 Pt. 1**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F181** S. 56(4A) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 16(b)**
- F182** Words in s. 56(4A) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 14(4)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F183** S. 56(6) repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**

#### Modifications etc. (not altering text)

- C165** S. 56 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 56 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
S. 56 applied (with modifications) (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 56 applied (with modifications) (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**  
S. 56 applied (with modifications) (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**  
S. 56 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), **Sch. 4 Pt. I**  
S. 56 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. I**  
S. 56 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, **Sch. Pt. I**  
S. 56 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C166** Ss. 56-58 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3)**, 2(2), 9(4)
- C167** S. 56 restricted (31.7.1997) by 1997 c. 61, s. 2(3)
- C168** S. 56 modified (11.3.1999) by S.I. 1999/450, **arts. 4(1)**, 5(3)(5) (which S.I. was revoked (29.2.2003) by S.I. 2003/284, **art. 1**)
- C169** S. 56(1) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**

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**C170** S. 56(3)–(5) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989](#) (c. 3, SIF 42), ss. 2, 13(6), [Sch. 1 Pt. I](#)

## 57 Registration appeals: Scotland.

- (1) Section 56 above applies to Scotland subject to the following modifications—
  - (a) subsection (2) shall be omitted;
  - (b) an appeal lies on any point of law from any decision of the sheriff under this section to the court of three judges constituted under subsection (2) below; and
  - (c) for any reference to the Court of Appeal there shall be substituted a reference to that court of three judges.
- (2) The court for hearing appeals under paragraph (b) of subsection (1) above shall consist of three judges of the Court of Session who shall be appointed by the Court of Session by act of sederunt and of whom one judge shall be appointed from each division of the Inner House and one from the Lords Ordinary in the Outer House; and the Principal Clerk of Session shall be the clerk of the court.
- (3) The Court of Session may by act of sederunt fill any vacancy in the court of three judges, and regulate its sittings and forms of process so as to carry out the provisions of this Act; and acts of sederunt under this section may be made, and the court of three judges may sit, either during the sitting of the Court of Session or in vacation or recess.

### Modifications etc. (not altering text)

- C171** S. 57 applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)
- C172** Ss. 56–58 applied (with modifications) (17.2.1994) by [S.I. 1994/342](#), [regs. 1\(2\)\(3\)](#), 2(2), 9(4)
- C173** S. 57 restricted (31.7.1997) by [1997 c. 61](#), s. 1(3)
- S. 57 restricted (11.3.1999) by [S.I. 1999/787](#), [art. 3\(1\)](#)
- S. 57 applied (11.3.1999) by [S.I. 1999/787](#), [art. 4\(3\)](#) (with [art. 4\(5\)](#))
- S. 57 applied (with modifications) (9.4.2001) by [S.I. 2001/1184](#), [reg. 9](#), [Sch. Pt. I](#) (as substituted (17.3.2009) by [S.I. 2009/726](#), [regs. 1\(1\)](#), 2(3)(4), [Sch.](#))
- C174** S. 57(2) applied (11.3.1999) by [S.I. 1999/787](#), [art. 4\(2\)](#)

## [<sup>F184</sup>58 Registration appeals: Northern Ireland.

- (1) Section 56 above, except subsection (2) and the words from the beginning to “and” in subsection (4), extends to Northern Ireland.
- (2) Section 21(1) of the <sup>M41</sup>Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc.) shall have effect as if the jurisdiction conferred by section 56(1) above were conferred by an enactment within the meaning of that Act.]

### Textual Amendments

- F184** S. 58 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2](#), s. 8(a), [Sch. 1 para. 15](#); [S.I. 2001/116](#), [art. 2\(1\)\(2\)](#) (with [art. 2\(4\)](#))

### Modifications etc. (not altering text)

- C175** S. 58 applied (with modifications) (N.I.) (16.2.2001) by [S.I. 2001/400](#), [reg. 13\(3\)\(4\)](#), [Sch. 4 Pt. I](#)
- S. 58 applied (with modifications) (9.4.2001) by [S.I. 2001/1184](#), [reg. 9](#), [Sch. Pt. I](#)

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**C176** S. 58(2) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(7)**; S.I. 2001/116, **art. 2(1)** (with **art. 2(3)-(5)**)

#### Marginal Citations

**M41** 1954 c.33.

## 59 Supplemental provisions as to members of forces and service voters.

- (1) In this Part of this Act, the expression “member of the forces”—
- (a) means a person serving on full pay as a member of any of the naval, military or air forces of the Crown raised in the United Kingdom; but
  - (b) does not include
    - <sup>[F185]</sup>(i) a person serving only as a member of a reserve or auxilliary force except in so far as regulations provide that it shall include persons so serving during a period of emergency.<sup>[F186]</sup>or
    - (ii) a member of the regular army whose terms of service are such that, except for the purpose of training, he is required to serve only in Northern Ireland]
- (2) Where a person—
- (a) is not a member of the forces as defined by subsection (1) above, but
  - (b) is, in the performance of his duty as a member of any of Her Majesty’s reserve or auxiliary forces, absent on the <sup>[F187]</sup>relevant date for the purposes of section 4 above] from an address at which he has been residing,
- any question arising under section <sup>[F188]</sup>5(3)] above whether his residence at that address has been interrupted on that date by his absence in the performance of that duty shall be determined as if the performance of it did not prevent his resuming actual residence at any time after that date.
- (3) Arrangements shall be made by the appropriate government department for securing that (so far as circumstances permit) every person having a service qualification by virtue of paragraph (a) or (b) of section 14(1) above shall—
- (a) have an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Act in relation to the making and cancellation of service declarations and of appointments of a proxy, and in relation to voting by post; and
  - (b) receive such instructions as to the effect of this Act and any regulations made under it, and such other assistance, as may be reasonably sufficient in connection with the exercise by him and any wife of his or, as the case may be, by her any husband of hers, of any rights conferred on them as mentioned above.

In this subsection “the appropriate government department” means, in relation to members of the forces, the Ministry of Defence, and in relation to any other person means the government department under which he is employed in the employment giving the service qualification.

- (4) In relation to persons having a service qualification by virtue of paragraph (c) of section 14(1), the British Council shall be under a corresponding obligation to that imposed by subsection (3) above on the appropriate government department.

**Status:** Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

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### Textual Amendments

- F185** Word in s. 59(1)(b) inserted (20.7.1993) by 1993 c. 29, s. 1(a).  
**F186** Word and s. 59(1)(b)(ii) added (20.7.1993) by 1993 c. 29, s. 1(b).  
**F187** Words in s. 59(2)(b) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 16(a)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))  
**F188** Word in s. 59 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 16(b)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

### Modifications etc. (not altering text)

- C177** S. 59 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42)**, ss. 2, 13(6), **Sch. 1 Pt. I**  
S. 59 extended (with modifications) (11.3.1999) by S.I. 1999/787, **art. 12(1)** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))  
**C178** S. 59 modified (11.3.1999) by S.I. 1999/450, **art. 13(1)** (which S.I. was revoked (29.2.2003) by S.I. 2003/284, **art. 1**)  
**C179** S. 59 applied (with modifications) (21.11.2002 except for specified purposes) by **The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779)**, arts. 1, **13(1)** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**)  
S. 59 applied (with modifications) (15.3.2007 except for specified purposes) by **The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937)**, arts. 1, **13(1)**  
**C180** S. 59(2) applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 7(4)**  
**C181** S. 59(3)(a) amended (1.3.2003) by **The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284)**, **art. 14(1)(a)**  
**C182** S. 59(3)(b) amended (1.3.2003) by **The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284)**, **art. 14(1)(b)**

## Offences

### 60 Personation.

- (1) A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.
- (2) A person shall be deemed to be guilty of personation at a parliamentary or local government election if he—
  - (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person; or
  - (b) votes in person or by post as proxy—
    - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
    - (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.
- (3) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

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#### **Modifications etc. (not altering text)**

- C183** S. 60 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C184** S. 60 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C185** S. 60 applied with modifications (E.W.) by S.I. 1987/1, **Rules 2, 6** and S.I. 1986/2215, **Rules 2, 9** (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule1(4), **Sch. 1**)
- C186** S. 60 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 60 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C187** S. 60 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 60 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)  
S. 60 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 60 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), **reg. 10**, **Sch. 4** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 60 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004](#) (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**  
S. 60 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C188** S. 60 modified (E.W.) (2.1.2007 for specified purposes) by [The Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006](#) (S.I. 2006/3305), **rule 6**
- C189** S. 60 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C190** S. 60 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

## **61 Other voting offences.**

(1) A person shall be guilty of an offence if—

- (a) he votes in person or by post, whether as an elector or as proxy, or applies to <sup>F189</sup>vote by proxy or by post as elector, at a parliamentary or local government election, or at parliamentary or local government elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (b) he applies for the appointment of a proxy to vote for him at <sup>F190</sup>any parliamentary or local government election or at parliamentary or local government elections knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (c) he votes, whether in person or by post, <sup>F191</sup>. . . as proxy for some other person at a parliamentary or local government election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this subsection references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

(2) A person shall be guilty of an offence if—

- (a) he votes as elector otherwise than by proxy either—



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- (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or
  - (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
  - (iii) in any constituency at a general election, or in any electoral area at such an ordinary election as mentioned above, when there is in force an appointment of a person to vote as his proxy at the election in some other constituency or electoral area; or
  - (b) he votes as elector in person at a parliamentary or local government election at which he is entitled to vote by post; or
  - (c) he votes as elector in person at a parliamentary or local government election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election; or
  - (d) <sup>F192</sup> . . . , he applies for a person to be appointed as his proxy to vote for him at parliamentary elections [<sup>F193</sup>in any constituency] without applying for the cancellation of a previous appointment of a third person then in force [<sup>F193</sup>in respect of that or another constituency] or without withdrawing a pending application for such an appointment [<sup>F193</sup>in respect of that or another constituency].
- [<sup>F194</sup>(2A) In the case of Authority elections, 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—
- (a) more than once at the same election of the Mayor of London;
  - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
  - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly;
  - (d) in more than one Assembly constituency at the same ordinary election; or
  - (e) in any Assembly constituency at an ordinary election, or an election of the Mayor of London held under section 16 of the 1999 Act, when there is in force an appointment of a person to vote as his proxy at the election in some other Assembly constituency.]

(3) A person shall be guilty of an offence if—

    - (a) he votes as proxy for the same elector either—
      - (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or
      - (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
    - (b) he votes in person as proxy for an elector at a parliamentary or local government election at which he is entitled to vote by post as proxy for that elector; or
    - <sup>F195</sup>(c) . . . . .

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- (d) he votes in person as proxy for an elector at a parliamentary or local government election knowing that the elector has already voted in person at the election.
- [<sup>F196</sup>(3A) In the case of Authority elections, 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 proxy for the same elector—
- (a) more than once at the same election of the Mayor of London;
  - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
  - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly; or
  - (d) in more than one Assembly constituency at the same ordinary election.]
- (4) A person shall also be guilty of an offence if he votes at a parliamentary election in any constituency [<sup>F197</sup>or at a local government election in any electoral area] as proxy for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
- (5) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge, would be, an offence by that other person under the foregoing subsections of this section.
- (6) For the purposes of this section a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under subsection (4) above, a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.
- [<sup>F198</sup>(6A) Where a person is alleged to have committed an offence under subsection (2)(a)(i) or (3)(a)(i) above by voting on a second or subsequent occasion at a parliamentary election, he shall not be deemed by virtue of subsection (6) above to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under rule 40(1C) of the parliamentary elections rules.]
- (7) An offence under this section shall be an illegal practice, but—
- (a) the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and
  - (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this section of any agent of his other than an offence under subsection (5) above.

#### Textual Amendments

**F189** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, [Sch. 2 para. 2\(a\)](#)

**F190** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, [Sch. 2 para. 2\(b\)](#)

**F191** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 11, 28, [Sch. 2 para. 2\(c\)](#), Sch. 5

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- F192** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 2(d)**, Sch. 5
- F193** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 2(d)**
- F194** S. 61(2A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 10(1)(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F195** S. 61(3)(c) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 11, 28, **Sch. 2 para. 2(e)**, Sch. 5
- F196** S. 61(3A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 10(1)(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F197** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 2(f)**
- F198** S. 61(6A) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 2(5)**

#### **Modifications etc. (not altering text)**

- C191** S. 61 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 61 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C192** S. 61 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
S. 61 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 61 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 61 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25) (as amended (5.12.2005) by S.I. 2005/2114, art. 2(12), **Sch. 12 para. 9(2)(a)**)  
S. 61 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (as amended (W.) (5.12.2005) by S.I. 2005/3302, art. 2, **Sch. para. 27(a)**) (which applying S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 61 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 10, **Sch. 4** (which S.I. was revoked by S.I. 2008/1848)  
S. 61 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**  
S. 61 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C193** S. 61 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

## **62 Offences as to declarations.**

[<sup>F199</sup>(1) A person who—

- (a) makes a declaration of local connection or a service declaration—
- (i) when he is not authorised to do so by section 7B(1) or section 15(1) above, or
  - (ii) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or
  - (iii) when he knows that it contains a statement which is false, or
- (b) attests a service declaration when he knows—
- (i) that he is not authorised to do so, or
  - (ii) that it contains a false statement as to any particulars required by regulations under section 16 above,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

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- (2) Where the declaration is available only for local government elections the reference in subsection (1) above to a legal incapacity to vote refers to a legal incapacity to vote at local government elections.

#### Textual Amendments

**F199** S. 62(1) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 17**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### Modifications etc. (not altering text)

**C194** S. 62 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42)**, ss. 2, 13(6), **Sch. 1 Pt. I**

**C195** S. 62 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, **Sch. Pt. I**

VALID FROM 11/09/2006

### [<sup>F200</sup> 62A Offences relating to applications for postal and proxy votes

- (1) A person commits an offence if he—
- (a) engages in an act specified in subsection (2) at a parliamentary or local government election, and
  - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (2) These are the acts—
- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
  - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
  - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
  - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In subsection (1)(b), property includes any description of property.
- (4) In subsection (2) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (5) A person who commits an offence under subsection (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.
- (6) This section does not apply to anything done at a local government election in Scotland.]

**Status:** Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

**F200** S. 62A inserted (11.9.2006) by Electoral Administration Act 2006 (c. 22), ss. 40, 77; S.I. 2006/1972, art. 3, Sch. 1 para. 7 (subject to art. 4, Sch. 2)

### Modifications etc. (not altering text)

**C196** S. 62A modified (E.W.) (2.1.2007 for specific purposes) by The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), rules 1(2)(3), 6

**C197** S. 62A applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), regs. 8, 11, 13, {Sch. 4 Table 1}

**C198** S. 62A applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), reg. 8, {Sch. 4 para. 1 Table 1}

**C199** S. 62A applied (with modifications) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)

VALID FROM 29/01/2007

## [<sup>F201</sup> 62B Scottish local government elections: offences relating to applications for postal and proxy votes

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person commits an offence if he—
  - (a) engages in any of the acts specified in subsection (3) below at the election; and
  - (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.
- (3) The acts referred to in subsection (2)(a) above are—
  - (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
  - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
  - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote;
  - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (4) In subsection (2)(b) above, property includes any description of property.
- (5) In subsection (3) above a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (6) A person who commits an offence under subsection (2) above or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.]

*Status: Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F201** S. 62B inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 15, 63](#); S.S.I. 2007/26, [art. 2\(1\)\(d\)](#)

### [<sup>F202</sup>63 Breach of official duty.

- (1) If a person to whom this section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.
- (3) The persons to whom this section applies are—
  - (a) the Clerk of the Crown (or, in Northern Ireland, the Clerk of the Crown for Northern Ireland),
  - (b) any sheriff clerk, registration officer, returning officer or presiding officer,
  - (c) any other person whose duty it is to be responsible after a local government election for the used ballot papers and other documents (including returns and declarations as to expenses),
  - (d) any [<sup>F203</sup>official designated by a universal postal service provider], and
  - (e) any deputy of a person mentioned in any of paragraphs (a) to (d) above or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by the law relating to parliamentary or local government elections or the registration of parliamentary or local government electors.]

### Textual Amendments

**F202** S. 63 substituted for ss. 63, 64 by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 19](#)

**F203** Words in s. 63(3)(d) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), [Sch. 1 para. 57\(2\)](#)

### Modifications etc. (not altering text)

**C200** S. 63 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), [Sch. 1 Pt. I](#)

S. 63 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, [Sch. 1 Pt. I](#)

S. 63 applied (with modifications) (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), [Sch. 3 Pt. I](#) (which S.I. was revoked (23.3.2004) by S.I. 2004/294, [reg. 3](#))

S. 63 applied (with modifications) (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), [Sch. 3 Pt. I](#)

S. 63 applied (with modifications) (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), [Sch. 3 Pt. I](#)

S. 63 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), [Sch. 1](#)

S. 63 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, [Sch. 3 para. 13](#) Table 1

S. 63 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, [Sch. 2](#)

S. 63 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, [reg. 13\(4\)\(5\)](#), [Sch. 4 Pt. I](#)

S. 63 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, [reg. 13\(3\)\(4\)](#), [Sch. 4 Pt. I](#)

S. 63 applied (with modifications) (9.4.2001) by S.I. 2001/1184, [reg. 9](#), [Sch. Pt. I](#)

S. 63 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, [Sch. 1](#)

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*Changes to legislation: Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

S. 63 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), [Sch. 2 Pt. 2](#)  
S. 63 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), [regs. 8, 11, 13](#), {Sch. 4 Table 1}  
**C201** S. 63 applied (17.2.1994) by [S.I. 1994/342](#), [regs. 1\(2\)\(3\), 2\(2\), 8\(2\)\(3\)](#)

<sup>F204</sup>64 .....

**Textual Amendments**  
**F204** S. 63 substituted for ss. 63, 64 by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 19](#)

**65 Tampering with nomination papers, ballot papers, etc.**

(1) A person shall be guilty of an offence, if, at a parliamentary or local government election, he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any declaration of identity or official envelope used in connection with voting by post; or
- (c) without due authority supplies any ballot paper to any person; or
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (e) fraudulently takes out of the polling station any ballot paper; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) In Scotland, a person shall be guilty of an offence if—

- (a) at a parliamentary or local government election, he forges any nomination paper, delivers to the returning officer any nomination paper knowing it to be forged, or forges or counterfeits any ballot paper or the official mark on any ballot paper; or
- (b) at a local government election, he signs any nomination paper as candidate or in any other capacity certifies the truth of any statement contained in it, knowing such statement to be false; or
- (c) he fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

[<sup>F205</sup>(3) If a returning officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers is guilty of an offence under this section, he shall be liable—

- (a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding 2 years, or to both;

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- (b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both
- (4) If any other person is guilty of an offence under this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.]

<sup>F205</sup>(5) . . . . .

#### Textual Amendments

**F205** S. 65(3)–(4) substituted for s. 65(3)–(5) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, [Sch. 3 para. 2](#)

#### Modifications etc. (not altering text)

- C202** S. 65 applied (with modifications) (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)  
S. 65 applied (with modifications) (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. 1](#)  
S. 65 applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 1  
S. 65 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)  
S. 65 applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298](#), reg. 8(1), [Sch. 3](#) Table 2 (subject to regs. 9–12, 15–17, 20, 25)  
S. 65 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), {[Sch. 3](#) Table 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))  
S. 65 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), [Sch. 2 Pt. 2](#)  
S. 65 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), [regs. 8, 11, 13](#), {[Sch. 4](#) Table 1}
- C203** S. 65 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), [Sch. 1](#)
- C204** S. 65(1)(a) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), [Sch. 1](#)
- C205** S. 65(3) amended (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, [Sch. 1 para. 26](#)

#### [<sup>F206</sup>65A False statements in nomination papers etc.

- (1) A person is guilty of a corrupt practice if, in the case of any relevant election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
  - (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows—
    - (i) was not written by the elector by whom it purports to have been written, or
    - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate’s nomination.
- (2) In this section “relevant election” means—
- (a) any parliamentary election, or
  - (b) any local government election in England or Wales.]



**Status:** Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

#### Textual Amendments

**F206** S. 65A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 15(1), **Sch. 6 para. 5**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)

#### Modifications etc. (not altering text)

**C206** S. 65A applied (with modifications) (1.8.2001) by S.I. 2001/2599, **art. 3**, **Sch. 1**

VALID FROM 29/01/2007

#### [<sup>F207</sup> 65B Scottish local government elections: false information in nomination papers etc.

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person is guilty of a corrupt practice if he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
  - (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
  - (b) anything which purports to be the signature of an elector who proposes, seconds or assents to the nomination of such a candidate but which he knows—
    - (i) was not written by the elector by whom it purports to have been written; or
    - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding or, as the case may be, assenting to that candidate's nomination.
- (3) A person is guilty of a corrupt practice if he makes in any document in which he gives his consent to his nomination as a candidate at the election—
  - (a) a statement of his date of birth; or
  - (b) a statement as to his qualification for being elected at the election, which he knows to be false in any particular.
- (4) For the purposes of subsection (3) above, a statement as to a candidate's qualification is a statement—
  - (a) that he is qualified for being elected;
  - (b) that he will be qualified for being elected; or
  - (c) that to the best of his knowledge and belief he is not disqualified for being elected.]

#### Textual Amendments

**F207** S. 65B inserted (S.) (29.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 13**, 63; S.S.I. 2007/26, **art. 2(1)(b)**

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*Status: Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.*

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## 66 Requirement of secrecy.

(1) The following persons—

- (a) every returning officer and every presiding officer or clerk attending at a polling station,
  - (b) every candidate or election agent or polling agent so attending,
- shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;
- (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(3) No person shall—

- (a) interfere with or attempt to interfere with a voter when recording his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;
- (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—

- (a) Except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person; or
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

**Status:** Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

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- (5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that voter.
- (6) If a person acts in contravention of this section he shall be liable on summary conviction [<sup>F208</sup>to a fine not exceeding level 5 on the standard scale or] to imprisonment for a term not exceeding 6 months.
- [<sup>F209</sup>(7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words “the candidate for whom”, in each place where they occur, of “, or the registered political party towards the return of whose candidates,”.
- <sup>F209</sup>(8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party’s candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.]

#### Textual Amendments

**F208** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, **Sch. 3 para. 3**

**F209** [S. 66\(7\)\(8\)](#) inserted (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 11](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376, art. 2](#)

#### Modifications etc. (not altering text)

**C207** [S. 66](#) applied with modifications (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)

**C208** [S. 66](#) applied with modifications (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)

**C209** [S. 66](#) applied with modifications (E.W.) by [S.I. 1987/1, Rules 2, 5](#) and [S.I. 1986/2215, Rules 2, 9](#) (which [S.I.](#) was revoked (2.1.2007) by [S.I. 2006/3305, rule1\(4\), Sch. 1](#))

**C210** [S. 66](#) amended (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, **Sch. 1 para. 27**

**C211** [S. 66](#) applied (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(b\)\(5\)–\(8\), Sch. 1](#)

[S. 66](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(b\)\(6\)\(d\)\(7\)](#)

[S. 66](#) applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126, art. 6, Sch. 2](#)

**C212** [S. 66](#) applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3, Sch. 3 para. 13](#) Table 1

[S. 66](#) applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298, regs. 8\(1\), 10\(4\), Sch. 3](#) Table 2, [Sch. 4](#) (subject to [regs. 9-12, 15-17, 20, 25](#))

[S. 66](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599, art. 3, Sch. 1](#)

[S. 66](#) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\), reg. 8](#), {[Sch. 3 Table 2](#)} (which [S.I.](#) was revoked (24.7.2008) by [S.I. 2008/1848](#))

[S. 66](#) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\), reg. 10, Sch. 4](#) (which [S.I.](#) was revoked (24.7.2008) by [S.I. 2008/1848](#))

[S. 66](#) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\), art. 6\(2\), Sch. 2 Pt. 2](#)

[S. 66](#) applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\), regs. 8, 11, 13](#), {[Sch. 4 Table 1](#)}

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[<sup>F210</sup> **66A Prohibition on publication of exit polls.**

- (1) No person shall, in the case of an election to which this section applies, publish before the poll is closed—
- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
  - (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.
- (2) This section applies to—
- (a) any parliamentary election; and
  - (b) any local government election in England or Wales.
- (3) If a person acts in contravention of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.
- (4) In this section—
- “forecast” includes estimate;
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;
- and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.]

**Textual Amendments**

**F210** S. 66A inserted (3.9.2000) by 2000 c. 2, s. 15(1), **Sch. 6 para. 6**

**Modifications etc. (not altering text)**

- C213** S. 66A applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)
- S. 66A applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- S. 66A applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), **reg. 10**, **Sch. 4** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- S. 66A applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004](#) (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- S. 66A applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C214** S. 66A applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C215** S. 66A applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

**Status:** Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:** Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 01/01/2007

**[<sup>F211</sup>66B Failure to comply with conditions relating to supply etc. of certain documents**

- (1) A person is guilty of an offence—
  - (a) if he fails to comply with any conditions imposed in pursuance of regulations under rule 57 of the parliamentary elections rules, or
  - (b) if he is an appropriate supervisor of a person (P) who fails to comply with such a condition and he failed to take appropriate steps.
- (2) P is not guilty of an offence under subsection (1) if—
  - (a) he has an appropriate supervisor, and
  - (b) he has complied with all the requirements imposed on him by his appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under subsection (1) if he takes all reasonable steps to ensure that he complies with the conditions.
- (4) In subsections (1)(b) and (2)—
  - (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
  - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions.
- (5) A person guilty of an offence as mentioned in subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

**Textual Amendments**

**F211** S. 66B inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), [ss. 41\(9\), 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(t\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 3](#)

**Status:**

Point in time view as at 01/05/2002. This version of this part contains provisions that are not valid for this point in time.

**Changes to legislation:**

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