



Representation of the People Act 1983

1983 CHAPTER 2

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

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—
 - (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)

- C1** S. 23 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C2** S. 23 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C3** 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**)

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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 [^{F1}in England] which is coterminous with or wholly contained in a county, the sheriff of the county;
 - [^{F2}(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 [^{F1}in England] which is coterminous with or wholly contained in a district, the chairman of the district council;
 - [^{F2}(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 [^{F1}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;
 - [^{F2}(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.

Textual Amendments

- F1** 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**
- F2** 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)

- C4** 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**)
- C5** 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 [^{F3}local government] area, the person under section 41 below who is, or who may discharge the functions

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- of, the returning officer at elections of councillors for the ^{F4}local authority for that area];
- (b) in the case of a constituency situated in more than one ^{F3}local government] area, such person mentioned above as the Secretary of State may by order direct.
- (2) ^{F5}Every local authority] shall place at the disposal of the returning officer for a constituency wholly or partly situated in ^{F6}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 ^{F7}authority].

^{F8}(3)

Textual Amendments

- F3** 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)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)

- C6** S. 25(1) extended (11.3.1999) by S.I. 1999/787, **art. 14(1)**
- C7** 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**)

26 Returning officer: Northern Ireland.

- (1) In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the returning officer for each constituency.
- ^{F9}(2) Sections 14(5) and 14A(2) and (3) of the ^{M1}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

- F9** 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)

- C8** S. 26 applied (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
- C9** S. 26(2) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

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Marginal Citations

M1 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)

C10 S. 27(3) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

C11 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 [^{F10}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;
 - [^{F11}(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;]
 - (b) in the case of any other constituency, by such registration officer as may be designated in an order made [^{F12}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.

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- (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, [^{F13}and a [^{F14}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 ^{M2}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

- F10** 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**
- F11** 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**
- F12** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 6(a)**
- F13** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 6(b)**
- F14** 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)

- C12** 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**)
- C13** 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**
- C14** 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**
- C15** 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

- M2** 1887 c. 55.

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.
- ^{F15}(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.

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- (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 ^[F16]; 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 ^[F17] 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.
- (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.
- ^[F18](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 ^{M3}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**.

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Textual Amendments

- F15** 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
- F16** 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))
- F17** 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
- F18** 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)

- C16** S. 29 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C17** S. 29 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C18** S. 29 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1
- C19** S. 29 modified (S.) by S.I. 1986/1111, regs. 2, 97(1)
- C20** 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)
- C21** 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
- C22** 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)
- C23** S. 29(5)(7)(8) modified (S.) by S.I. 1986/1111, regs. 2, 97(1).
- C24** 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

- M3** 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—
- where the account relates to an election in a constituency in England or Wales or in Northern Ireland, to the county court,
 - 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.
- (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.

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Modifications etc. (not altering text)

- C25** S. 30 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C26** S. 30 applied (E.W.S.) by S.I. 1986/2209, **regs. 2, 3** 5(1)(6)–(8), Sch. 1 Pt. I
- C27** S. 30 modified (S.) by S.I. 1986/1111, **regs. 2, 97(1)**
- C28** 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)**
- C29** 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**)
- C30** S. 30(1)–(3) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

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