



Representation of the People Act 1983

1983 CHAPTER 2

PART III

LEGAL PROCEEDINGS

Supplemental

182 Rules of procedure.

- (1) The authority having for the time being power to make rules of court for the Supreme Court may make rules for the purposes of Part II and this Part of this Act.
- (2) In relation to the power conferred by subsection (1) above to make rules—
 - (a) that power shall be exercisable by statutory instrument, and be treated for the purposes of the ^{M1}Statutory Instruments Act 1946 as if conferred on a Minister of the Crown; and
 - (b) a statutory instrument containing rules under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) This section does not apply to Scotland, but the Court of Session has power to make acts of sederunt for the purposes of Part II and this Part.
- (4) This section does not apply to Northern Ireland.

Modifications etc. (not altering text)

C1 S. 182 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. 1

Marginal Citations

M1 1946 c. 36.

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183 Costs.

- (1) The rules of the Supreme Court with respect to costs to be allowed in actions, causes and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part II or this Part of this Act, and the taxing officer shall not allow any costs higher than would be allowed in any action, cause or matter in the High Court on a common fund basis.
- (2) Where any costs or other sums are, under the order of an election court or otherwise under this Part, to be paid by any person, those costs or sums shall be due from that person to the person or persons to whom they are to be paid and, if payable to the Treasury, shall be a debt due to Her Majesty and in either case may be recovered accordingly.
- (3) The above provisions of this section do not apply to Scotland, but those costs shall, subject to any regulations which the Court of Session may make by act of sederunt, be taxed as nearly as possible according to the same principles as expenses between solicitor and client are taxed in a cause in the Court of Session, or, when incurred in relation to an election of councillors, the sheriff court.

Modifications etc. (not altering text)

- C2** Ss. 183-186 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
Ss. 183-186 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- C3** S. 183 applied (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), reg. 15, **Sch. 6**
- C4** S. 183 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
S. 183 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)-(3), **Sch. 6 Pts. I, II** (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. 183 applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 19(8), **Sch. 6**
S. 183 applied (with modifications) (21.11.2002 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2002](#) (S.I. 2002/2779), arts. 1, 81, **Sch. 6 Pts. I, II** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
S. 183 applied (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), reg. 15(8), **Sch. 5** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
S. 183 applied (with modifications) (15.3.2007 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2007](#) (S.I. 2007/937), arts. 1, 83, **Sch. 6 Pts. I, II**
S. 183 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**)
- C5** S. 183 applied (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), reg. 11, **Sch. 5**

184 Service of notices.

- (1) Any [^{F1}notice, legal process or other] document required to be served on any person with reference to any proceeding respecting an election for the purpose of causing him to appear before the High Court, the county court, or any election court, or otherwise or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any court for any purpose of this Part of this Act may be served—
 - (a) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or by the recorded delivery service, to his last known place

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of abode in the constituency or, as the case may be, the area of the authority for which the election was held; or

- (b) if the proceeding is before any court in such other manner as the court may direct.

- (2) In proving service by post under this section it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered or recorded with the Post Office.

Textual Amendments

- F1** Words in s. 184(1) substituted (16.2.2001) by 2000 c. 41, s. 138, **Sch. 18 para. 19(5)**; S.I. 2001/222, **art. 2 Sch. 1 Pt. I** (with **Sch. 1 Pt. II**)

Modifications etc. (not altering text)

- C6** Ss. 183–186 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
C7 Ss. 183–186 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
C8 S. 184 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)–(3), **Sch. 6 Pts. I II**
C9 S. 184 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**
S. 184 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
C10 S. 184 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

185 Interpretation of Part III.

In this Part of this Act, unless the context otherwise requires—

“appropriate officer” has the same meaning as in section 67(7) above;

“candidate” has the same meaning as in Part II of this Act and the saving in section 117(1) above applies in relation to this Part as in relation to Part II;

“costs” includes charges and expenses;

“date of the allowance of an authorised excuse” has the meaning assigned to it by section 86(8) above or paragraph 7 of Schedule 4 to this Act, as the case may be;

“declaration as to election expenses” means a declaration made under section 82 above or, as the case may be, paragraph 3 of Schedule 4 to this Act;

[^{F2}“elective office” means any office to which a local government election is held in England or Wales;]

“judicial office” includes the office of justice of the peace;

“Licensing Acts” means the ^{M2}Licensing Act 1964 and the Acts amending that Act, or the corresponding enactments forming part of the law of Scotland or Northern Ireland;

“money” and “pecuniary reward” shall be deemed to include—

- (a) any office, place or employment, and
(b) any valuable security or other equivalent of money, and
(c) any valuable consideration,

and expressions referring to money shall be construed accordingly;

“payment” includes any pecuniary or other reward;

“prescribed” means prescribed by rules of court, or, in Northern Ireland, such rules under section 55 of the ^{M3}Judicature (Northern Ireland Act 1978);

[^{F3} “public office” in relation to Scotland means any office held in Scotland—]

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- (a) under the Crown, or
- (b) under the charter of a city or borough, or
- (c) under the Acts relating to local government or public health or public education,

whether the office is that—

- (i) of mayor, provost, chief magistrate, chairman, alderman, councillor, member of a board, commission or other local authority in any local government or other area; or
- (ii) of proper officer or other officer under a council, board, commission or other authority; or
- (iii) of any other office to which a person is elected or appointed under any such charter or enactment as is mentioned above, including any other municipal or parochial office;

“return as to election expenses” means a return made under section 81 above or, as the case maybe, paragraph 3 of Schedule 4 to this Act;

“Speaker” includes Deputy Speaker and, where the office of Speaker is vacant, Clerk of the House of Commons, or any other officer for the time being performing the duties of Clerk of the House of Commons.

Textual Amendments

- F2** Words in s. 185 substituted (16.2.2001) by 2000 c. 41, s. 137, **Sch. 17 para. 10(a)**, (with s. 156(6)); S.I. 2001/222, **art. 2 Sch. 1 Pt. I** (with Sch. 1 Pt. II)
- F3** Words in s. 185 substituted (16.2.2001) by 2000 c. 41, s. 137, **Sch. 17 para. 10(b)**, (with s. 156(6)); S.I. 2001/222, **art. 2 Sch. 1 Pt. I** (with Sch. 1 Pt. II)

Modifications etc. (not altering text)

- C11** Ss. 183-186 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
Ss. 183-186 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C12** S. 185 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**
S. 185 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
S. 185 applied (with modifications) (S.) (11.3.1999) by S.I. 1999/787 art. 85(2)-(4), Sch. 6 Pt. II (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. 185 applied (with modifications) (2.4.2001) by S.I. 2001/1298, regs. 8, 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)
S. 185 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 19(8), **Sch. 6**
S. 185 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
S. 185 applied (with modifications) (21.11.2002 except for specified purposes) by **The Scottish Parliament (Elections etc.) Order 2002** (S.I. 2002/2779), arts. 1, 81, **Sch. 6 Pts. I, II** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
S. 185 applied (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. 185 applied (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004** (S.I. 2004/870), **reg. 15(8)**, **Sch. 5** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)
S. 185 applied in part (23.7.2004) by **The Regional Assembly and Local Government Referendums Order 2004** (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**

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- S. 185 applied (with modifications) (15.3.2007 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937), arts. 1, 83, **Sch. 6 Pts. I, II**
- C13** S. 185 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- S. 185 applied (S.) (11.3.1999) by S.I. 1999/787 art. 85(1)(3), Sch. 6 Pt. I
- S. 185 applied (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), reg. 15, **Sch. 6**
- S. 185 applied (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}**

Marginal Citations

- M2** 1964 c. 26.
- M3** 1978 c. 23.

186 Computation of time for purposes of Part III.

Section 119 above applies in computing any period of time for the purposes of this Part of this Act as for the purposes of Part II of this Act.

Modifications etc. (not altering text)

- C14** Ss. 183-186 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- Ss. 183-186 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C15** S. 186 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
- S. 186 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)-(3), Sch. 6 Pts. I, II (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. 186 applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), arts. 1, 81, **Sch. 6 Pts. I, II** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, art. 2(a))
- S. 186 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**
- S. 186 applied (with modifications) (15.3.2007 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937), arts. 1, 83, **Sch. 6 Pts. I, II**
- C16** S. 186 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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