

Status: Point in time view as at 16/12/2010.

Changes to legislation: Representation of the People Act 1983, Part IV is up to date with all changes known to be in force on or before 02 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)

SCHEDULES

SCHEDULE 1

Modifications etc. (not altering text)

- C1 Parliamentary election rules modified (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, [Sch. 1 paras. 8–23](#)
- C1 [Paras. 3–7](#) of Pt. II of Sch. 1 to [Representation of the People Act 1985 \(c. 50, SIF 42\)](#) have effect (N.I.) (*prosp.*) by virtue of s. 10 of, and Sch. 1 para. 2 to, that Act as additional rules in Sch. 1 to this Act
- C1 [Sch. 1](#) applied with modifications (S.) by [S.I. 1986/2213](#), [Rules 2, 5](#)
[Sch. 1](#) applied (with modifications) (E.W.S.) (28.4.1999) by [1985 c. 50, s. 15\(1\)\(2\)](#) (as applied (with modifications) (28.4.1999) by [S.I. 1999/1214](#), [reg. 8](#), [Sch. 3](#)) (which S.I. was revoked (23.3.2004) by [S.I. 2004/293](#), [reg. 126](#))
- C1 [Sch. 1](#) modified (E.W.) by [S.I. 1986/1081](#), [regs. 2, 97, 98, 100](#) (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), [reg. 3](#))
- C1 [Sch. 1](#) modified (S.) by [S.I. 1986/1111](#), [regs. 2, 95, 96, 98\(1\)](#)
[Sch. 1](#) modified (10.4.2001) by [2001 c. 7, s. 4](#), [Sch. para. 1](#)
[Sch. 1](#) modified (E.W.) (23.3.2004) by [The Representation of People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), [reg. 8](#), [Sch. 2](#)
- C1 [Sch. 1](#) extended (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 6\(1\)-\(4\)](#)

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

- 50 (1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—
- (a) declare to be elected the candidate to whom the majority of votes has been given;
 - (b) return his name to the Clerk of the Crown; and
 - (c) give public notice of his name and of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.
- (2) In an uncontested election, the statement of persons nominated, in addition to showing the person standing nominated, shall also declare that person elected, and the returning officer shall forthwith return his name to the Clerk of the Crown.

Modifications etc. (not altering text)

- C1 [Sch. 1 rule 50](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C2 [Sch. 1 rule 50](#) 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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- C3** Sch. 1 para. 50 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), Sch. 1 Sch. 1 rule 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)

Return to the writ

- 51 (1) The returning officer shall return the name of the member elected by endorsing on the writ a certificate in the form in the Appendix.
- (2) Any rule of law or enactment as to the effect of, or manner of dealing with, the return of a member to serve in Parliament applies to the certificate.
- (3) The returning officer may, on receiving a receipt, deliver the writ with the certificate endorsed on it to [^{F1}an official designated for that purpose by a universal postal service provider who is providing a universal postal service (within the meaning of the Postal Services Act 2000) for the area in which the election is being held or to his deputy, provided that the official or deputy is at that time within the area concerned.].
- (4) [^{F2}The designated official] or his deputy shall send the writ so endorsed by the first post, free of charge, under cover to the Clerk of the Crown with the words “Election Writ and Return” endorsed on it.
- (5) Any reference in the foregoing provisions of this Part of these rules to the Clerk of the Crown shall be taken, in relation to an election for a constituency in Northern Ireland, as a reference to the Clerk of the Crown for Northern Ireland, but any writ returned to the Clerk of the Crown for Northern Ireland shall be transmitted by him to the Clerk of the Crown in England and the return shall be certified to the House of Commons in the same manner as returns for elections for constituencies in Great Britain.
- (6) A copy of each writ returned to the Clerk of the Crown for Northern Ireland and of the certificate endorsed on it shall be attested by the Secretary of State, shall be kept in the office of the Clerk of the Crown for Northern Ireland and may be given in evidence if the originals are lost.

Textual Amendments

- F1** Words in Sch. 1 rule 51(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 57(5)(a)
- F2** Words in Sch. 1 rule 51(4) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para 57(5)(b)

Record of returns at Crown Office

- 52 (1) The Clerk of the Crown shall from the certificate on each writ returned to him enter the name of the member returned in a book to be kept by him at the Crown Office.
- (2) The Clerk of the Crown shall also enter in the book any alteration or amendment made by him in the certificate endorsed on any writ.
- (3) The book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, take copies from the book.

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Return or forfeiture of candidate's deposit

- 53 (1) The deposit made under rule 9 of these rules shall either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.
- (2) Except in the cases mentioned below in this rule, the deposit shall be returned [^{F3}not later than the next day after that on which] the result of the election is declared.
- [^{F4}(2A) For the purposes of paragraph (2) above—
- (a) a day shall be disregarded if it would be disregarded under rule 2 above in computing any period of time for the purposes of the timetable for an election of the kind in question; and
 - (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.]
- (3) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.
- (4) Subject to paragraph (3) above the deposit shall be forfeited if a poll is taken and, after the counting of the votes by the returning officer (including any recount) is completed, the candidate is found not to have polled more than [^{F5}one twentieth] of the total number of votes polled by all the candidates.
- (5) Notwithstanding anything in paragraphs (2) to (4) above, if at a general election a candidate is shown as standing nominated in more than one constituency in the statements of persons nominated, not more than one of the deposits shall be returned and, if necessary, the Treasury shall direct which it is to be.

Textual Amendments

- F3** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 83\(a\)](#)
- F4** [Sch. 1 rule 53\(2A\)](#) inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 83\(b\)](#)
- F5** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 13(b)

Modifications etc. (not altering text)

- C4** [Sch. 1 rule 53](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)
[Sch. 1 rule 53](#) 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** [Sch. 1 rule 53](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), [Sch. 1 Pt. I](#)

[^{F6}Counting of votes: statement by returning officer

Textual Amendments

- F6** [Sch. 1 rule 53ZA](#) inserted (8.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 48\(4\)](#), 52

- 53ZA (1) In a contested election, if the counting of the votes given on the ballot papers did not begin within the period specified in rule 45(3A) above, the returning officer shall

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before the expiry of the period of 30 days starting with the day on which the poll closed—

- (a) prepare and publish a statement giving the information specified in paragraph (2) below, and
- (b) deliver it to the Electoral Commission.

(2) The statement must—

- (a) specify the time at which the counting of the votes given on the ballot papers began,
- (b) describe the steps taken under rule 45(3A) above, and
- (c) explain why the counting of the votes given on the ballot papers did not start within the period specified in rule 45(3A) above.

(3) Where a statement is delivered to the Electoral Commission under paragraph (1) (b) above, the Commission shall specify in any election report they produce that a statement has been delivered to them under that paragraph in respect of the constituency to which the statement relates.

(4) In paragraph (3) above “election report” means a report under section 5(1) or (2A) of the Political Parties, Elections and Referendums Act 2000 in relation to the parliamentary election in question.]

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