

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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

VALID FROM 01/01/2007

### [<sup>F1</sup>SCHEDULE A1

Section 18C

#### REVIEW OF POLLING DISTRICTS AND POLLING PLACES

##### Textual Amendments

**F1** Sch. A1 inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), [ss. 16\(2\), 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](#)

- 1 The relevant authority must publish notice of the holding of a review.
- 2 The authority must consult the returning officer for every parliamentary election held in a constituency which is wholly or partly in its area.
- 3
  - (1) Every such returning officer must make representations to the authority.
  - (2) The representations must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed).
  - (3) The representations must be published in such manner as is prescribed.
- 4
  - (1) The authority must seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
  - (2) Such persons must have an opportunity—
    - (a) to make representations;
    - (b) to comment on the returning officer's representations.
- 5 Any elector in a constituency situated in whole or in part in the authority's area may make representations.
- 6 Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places.
- 7 On completion of a review the authority must—
  - (a) give reasons for its decisions in the review;
  - (b) publish such other information as is prescribed.]

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## SCHEDULE 1

Section 23.

**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**
- C2** 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
- C3** 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**)
- C4** 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**)
- C5** 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**
- C6** Sch. 1 extended (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 6(1)-(4)**

**PART I**

## PROVISIONS AS TO TIME

*Timetable*

- 1 The proceedings at the election shall be conducted in accordance with the following Table.

## Timetable

<i>Proceeding</i>	<i>Time</i>
Issue of Writ	In the case of a general election, as soon as practicable after the issue of the proclamation summoning the new Parliament.  In the case of a by-election, as soon as practicable after the issue of the warrant for the writ.
Publication of notice of election.	In the case of a general election or by-election, not later than 4 in the afternoon on the second day after that on which the writ is received.
Delivery of nomination papers.	In the case of a general election, between the hours of 10 in the morning and 4 in the afternoon on any day after the date of publication of the notice of election, but not later than the sixth

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	day after the date of the proclamation summoning the new Parliament.
	In the case of a by-election, the same as in the case of a general election, except that the last day shall be a day fixed by the returning officer and shall be not earlier than the third day after the date of publication of the notice of election nor later than the seventh day after that on which the writ is received.
Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	In the case of a general election or a by-election, during the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following; but— <ul style="list-style-type: none"> <li>(a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper; and</li> <li>(b) the foregoing provisions do not apply to objections made in pursuance of rule 15(2).</li> </ul>
Publication of statement of persons nominated.	In the case of a general election or a by-election, at the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.
Polling	In the case of a general election, between the hours of 7 in the morning and 10 at night on the [ <sup>F2</sup> eleventh] day after the last day for delivery of nomination papers. <p>In the case of a by-election, between the hours of 7 in the morning and 10 at night on the day fixed by the returning officer, which shall not be earlier than the [<sup>F3</sup>ninth] nor later than the [<sup>F3</sup>eleventh] day after the last day for delivery of nomination papers.</p>

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### Textual Amendments

- F2** Word substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 73\(a\)](#)  
**F3** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 73\(b\)](#)

### Modifications etc. (not altering text)

- C7** [Sch. 1 rule 1](#) applied with modifications (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)  
**C8** [Sch. 1 rule 1](#) applied with modifications (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)  
**C9** [Sch. 1 rule 1](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\), Sch. 1](#)  
[Sch. 1 rule 1](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599, art. 3\(1\), Sch. 1](#) (as amended (20.3.2003) by [Northern Ireland Assembly Elections Act 2003 \(c. 3\), s. 1\(6\)](#))  
**C10** [Sch. 1 rule 1](#) amended (E.W.) (1.4.2004) by [European Parliamentary and Local Elections \(Pilots\) Act 2004 \(c. 2\), s. 8, Sch. para. 1](#)

### Computation of time

- 2 (1) In computing any period of time for the purposes of the Timetable—
- (a) a Saturday or Sunday,
  - [<sup>F4</sup>(b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday]
  - (c) a day appointed for public thanksgiving or mourning,
- shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.
- (2) In this rule “bank holiday” means—
- (a) in relation to a general election, a day which is a bank holiday under the <sup>M1</sup>Banking and Financial Dealings Act 1971 in any part of the United Kingdom,
  - (b) in relation to a by-election, a day which is a bank holiday under that Act in that part of the United Kingdom in which the constituency is situated,
- but at a general election sub-paragraph (b) and not sub-paragraph (a) of this paragraph applies in relation to any proceedings—
- (i) commenced afresh by reason of a candidate’s death; and
  - (ii) extending, by reason of riot or open violence, beyond the time laid down by the Timetable.
- <sup>F5</sup>(3) . . . . .

### Textual Amendments

- F4** [Sch. 1 rule 2\(1\)\(b\)](#) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 19\(5\)\(a\)](#)  
**F5** [Sch. 1 rule 2\(3\)](#) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), ss. 19\(5\)\(b\), Sch. 5](#)

### Modifications etc. (not altering text)

- C11** [Sch. 1 rule 2](#) applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)  
**C12** [Sch. 1 rule 2](#) applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3, 5\(1\)\(6\)–\(8\), Sch. 1 Pt. I](#)  
**C13** [Sch. 1 rule 2](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\), Sch. 1](#)

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Sch. 1 rule 2 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

### Marginal Citations

M1 1971 c. 80.

## PART II

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

#### ISSUE OF WRIT AND NOTICE OF ELECTION

##### *Issue of writ*

- 3 (1) Writs for parliamentary elections shall continue to be sealed and issued in accordance with the existing practice of the office of the Clerk of the Crown.
- (2) Each writ shall be in the form in the Appendix and shall be directed to the returning officer by the title of his office as returning officer (and not by his name) and conveyed to him.
- (3) Her Majesty may by Order in Council—
- (a) specify the manner in which writs are to be conveyed whether by post, by an officer appointed by the Lord Chancellor or, as regards Northern Ireland, the Secretary of State, or otherwise, and make different provision for different classes of writs; and
  - (b) provide for the giving of receipts for writs by persons to whom they are delivered or who may receive them in the course of their conveyance.
- (4) Delivery of the writ to a person for the time being authorised by law to act as deputy for the officer who by virtue of his office is returning officer shall be as good as delivery to the returning officer.
- (5) An Order in Council under this rule—
- (a) may require a returning officer to provide an address to which writs are to be conveyed and any change of that address; and
  - (b) may provide for recording those addresses; and
  - (c) may provide that the delivery of a writ to a person found in and for the time being in charge of a place so recorded as the office of a returning officer shall be as good as delivery to that returning officer.
- (6) The person to whom the writ is delivered shall endorse the date of receipt on the writ in the form shown in the Appendix.
- (7) A draft of an Order in Council under this rule shall be laid before Parliament, and any such Order may provide for any incidental or supplemental matter.

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### *Conveyance of writ to acting returning officer*

- 4 (1) For an election in a constituency in England and Wales the writ shall (notwithstanding anything in rule 3 above) be conveyed to the acting returning officer if the returning officer—
- (a) has so requested by notice in the form prescribed by an Order in Council under rule 3 and received by the Clerk of the Crown one month or more before the issue of the writ; and
  - (b) has not revoked it by a further notice in the form so prescribed and received within such time as is mentioned above.
- (2) A notice under this rule has effect in relation to all constituencies—
- (a) of which the person giving it is returning officer at the time of giving it; or
  - (b) of which he or a successor in office becomes returning officer by virtue of that office.
- (3) Where by virtue of this rule writs are conveyed to the acting returning officer paragraph (5) of rule 3 applies in relation to him as it applies in relation to a returning officer.

### *Notice of election*

- 5 (1) The returning officer shall publish notice of the election <sup>F6</sup>, stating—
- (a) the place and times at which nomination papers are to be delivered, and
  - (b) the date of the poll in the event of a contest,
- and the notice shall state that forms of nomination paper may be obtained at that place and those times.
- (2) The notice of election shall state the date by which—
- (a) applications to [<sup>F7</sup>vote by post or by proxy], and
  - (b) other applications and notices about postal or proxy voting,
- must reach the registration officer in order that they may be effective for the election.
- (3)<sup>F8</sup>

#### **Textual Amendments**

- F6** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, [Sch. 4 para. 74\(a\)](#), Sch. 5
- F7** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, [Sch. 2 para. 4](#)
- F8** [Sch. 1 rule 5\(3\)](#) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, [Sch. 4 para. 74\(b\)](#), Sch. 5

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

- C14** [Sch. 1 rule 5](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)
- C15** [Sch. 1 rule 5](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)
- C16** [Sch. 1 rule 5](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), [Sch. 1](#)

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## NOMINATION

### *Nomination of candidates*

- 6 (1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix delivered—
- (a) by the candidate himself, or
  - (b) by his proposer or seconder,
- to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 67 of this Act or are so given at the time the paper is delivered.
- (2) The nomination paper shall state the candidate's—
- (a) full names,
  - (b) home address in full, and
  - (c) if desired, description,
- and the surname shall be placed first in the list of his names.
- (3) The description, if any, shall not exceed 6 words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

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

**C17** Sch. 1 rules 6, 7, 8 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. 1**

**C18** Sch. 1 rule 6 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1120, art. 3(1)(5)-(8), **Sch. 1**

**C19** Sch. 1 rules 6, 7, 8 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**

VALID FROM 24/03/1999

*[<sup>F9</sup> Nomination papers: name of registered political party]*

#### **Textual Amendments**

**F9** Sch. 1 rule 6A: cross-heading inserted (24.3.1999) by 1998 c. 48, s. 13, **Sch. 2 para. 2**; S.I. 1999/393, **art. 2**

- <sup>F10</sup>6A (1) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the description is authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
  - (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.

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- (2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.
- (3) In the application of this rule in relation to an election "registered political party" means a party which was registered under the Registration of Political Parties Act 1998 at the time by which the notice of election is required to be published by virtue of rule 1.]

#### Textual Amendments

**F10** Sch. 1 rule 6A inserted (24.3.1999) by 1998 c. 48, s. 13, Sch. 2 para. 2; S.I. 1999/393, art. 2

#### *Subscription of nomination paper*

- 7 (1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by eight other electors as assenting to the nomination.
- (2) Where a nomination paper bears the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.
- (3) The nomination paper shall give the electoral number of each person subscribing it.
- (4) The returning officer—
  - (a) shall supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers, and
  - (b) shall at any elector's request prepare a nomination paper for signature, but it is not necessary for a nomination to be on a form supplied by the returning officer.
- (5) A person shall not subscribe more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered, but he shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.
- (6) In this rule—
 

"elector" means a person—

  - (a) who is registered as a parliamentary elector in the constituency in the register to be used at the election, or
  - (b) who, pending the publication of that register, appears from the electors lists for that register as corrected by the registration officer to be entitled to be so registered.

and accordingly includes a person shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise; and



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“electoral number” means—

- (i) a person’s number in that register, or
- (ii) pending the publication of the register, his number (if any) in the electors lists for that register.

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

- C20** Sch. 1 rules 6, 7, 8 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C21** Sch. 1 rules 6, 7, 8 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

*Consent to nomination*

- 8 (1) A person shall not be validly nominated unless his consent to nomination—
- (a) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers,
  - (b) is attested by one witness, and
  - (c) is delivered at the place and within the time for the delivery of nomination papers,
- subject to paragraph (2) below.
- (2) If the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as mentioned above, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.
- (3) A candidate’s consent given under this rule—
- (a) shall state the day, month and year of his birth; and
  - (b) shall state—
    - (i) that he is aware of the provisions of the <sup>M2</sup>House of Commons Disqualification Act 1975; and
    - (ii) that to the best of his knowledge and belief he is not disqualified for membership of the House of Commons.

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

- C22** Sch. 1 rules 6, 7, 8 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C23** Sch. 1 rules 6, 7, 8 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**  
Sch. 1 rule 8 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
- C24** Sch. 1 rule 8 modified (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 5(4), 6(4)**

**Marginal Citations**

- M2** 1975 c. 24.

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### Deposit

- 9 (1) A person shall not be validly nominated unless the sum of [<sup>F11</sup>£500] is deposited by him or on his behalf with the returning officer at the place and during the time for delivery of nomination papers.
- (2) The deposit may be made either—
- (a) by the deposit of any legal tender, or
  - (b) by means of a banker's draft, or
  - (c) with the returning officer's consent, in any other manner.
- but the returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.
- [<sup>F12</sup>(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under section 67 of this Act or rule 6(1) above).]

#### Textual Amendments

**F11** "£500" substituted for "£150" by Representation of the People Act 1985 (c. 50, SIF 42), s. 13(a)

**F12** Sch. 1 rule 9(3) added by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 75

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

**C25** Sch. 1 rule 9 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C26** Sch. 1 rule 9 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I  
Sch. 1 rule 9 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), Sch. 1

### Place for delivery of nomination papers

- 10 (1) The returning officer shall fix the place at which nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.
- (2) Except in Scotland, the place shall be in—
- (a) the constituency; or
  - (b) the registration area which includes the constituency; or
  - (c) unless the constituency is a borough constituency, in a district adjoining the constituency or registration area.
- For the purposes of paragraph (b) above “registration area” means—
- (i) in England and Wales, the area of two or more constituencies which have the same registration officer;
  - (ii) in Northern Ireland, the county borough of Belfast and each county.
- (3) In Scotland the place shall be in—
- (a) the constituency; or

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- (b) the district or (if more than one) any of the districts in which the constituency is situated; or
- (c) any district adjoining the district or districts (as the case may be) in which the constituency is situated.

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

**C27** Sch. 1 rule 10 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C28** Sch. 1 rule 10 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

*Right to attend nomination*

- 11 (1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, and subject to paragraph (4) below, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—
- (a) a person standing nominated as a candidate, or
  - (b) the election agent, proposer or seconder of such a person,
- but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent.
- (2) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—
- (a) to such one of those papers as he may select, or
  - (b) in default of such a selection, to that one of those papers which is first delivered,
- shall be entitled to attend as his proposer and seconder.
- (3) The right to attend conferred by this rule includes the right—
- (a) to inspect, and
  - (b) to object to the validity of,
- any nomination paper.
- (4) A candidate's wife or husband is entitled to be present at the delivery of the candidate's nomination, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) above, but without any such right as is conferred by paragraph (3) above.

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

**C29** Sch. 1 rule 11 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C30** Sch. 1 rule 11 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

Sch. 1 rule 11 applied (with modifications) (I.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

### *Decisions as to validity of nomination papers*

- 12 (1) Where a nomination paper and the candidate's consent to it are delivered and a deposit is made in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—
- (a) the returning officer decides that the nomination paper is invalid; or
  - (b) proof is given to the returning officer's satisfaction of the candidate's death; or
  - (c) the candidate withdraws.
- (2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—
- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;
  - (b) that the paper is not subscribed as so required; and
  - (c) that the candidate is disqualified by the Representation of the <sup>M3</sup>People Act 1981.
- (3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.
- (4) Where he decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.
- (5) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.
- (6) Subject to paragraph (5) above nothing in this rule prevents the validity of a nomination being questioned on an election petition.

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

**C31** Sch. 1 rule 12 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C32** Sch. 1 rule 12 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C33** Sch. 1 rule 12 modified (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 5(5), 6(5)**

**C34** Sch. 1 rule 12 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

#### **Marginal Citations**

**M3** 1981 c. 34.

### *Withdrawal of candidates*

- 13 (1) A candidate may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness, and
  - (b) delivered to the returning officer at the place for delivery of nomination papers.
- (2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by

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more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if—

- (a) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom; or
- (b) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

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

- C35** Sch. 1 rule 13 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C36** Sch. 1 rule 13 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C37** Sch. 1 rule 13 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 13 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**)

*Publication of statement of persons nominated*

- 14 (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.
- (3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more of them with the same surname, of their other names.
- (4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select, but if the election is contested a candidate standing nominated may require the returning officer to include in the statement the names of the persons subscribing a second and third nomination.

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

- C38** Sch. 1 rules 14, 15 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C39** Sch. 1 rules 14, 15 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C40** Sch. 1 rule 14 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

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VALID FROM 01/01/2007

*F<sup>13</sup> Correction of minor errors*

**Textual Amendments**

**F13** Sch. 1 rule 14A inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 19\(8\), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14\(f\)](#) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, [arts. 2, 4](#)

- 14A (1) A returning officer may, if he thinks fit, at any time before the publication under rule 14 above of the statement of persons nominated, correct minor errors in a nomination paper.
- (2) Errors which may be corrected include—
- (a) errors as to a person's electoral number;
  - (b) obvious errors of spelling in relation to the details of a candidate.
- (3) Anything done by a returning officer in pursuance of this rule must not be questioned in any proceedings other than proceedings on an election petition.
- (4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.]

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

**C41** Sch. 1 rule 14A 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](#))

*Disqualification by Representation of the People Act 1981*

- 15 (1) If it appears to the returning officer that any of the persons nominated might be disqualified by the Representation of the <sup>M4</sup>People Act 1981 he shall, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of the statement required under rule 14 above.
- (2) The draft shall be headed “Draft statement of persons nominated” and shall omit the names of the persons subscribing the papers but shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 in the morning and 4 in the afternoon on the day and at the place specified in the notice; and the day so specified shall be the day next after the last day for the delivery of nomination papers.

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

**C42** Sch. 1 rules 14, 15 applied with modifications (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)

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- C43** Sch. 1 rules 14, 15 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
Sch. 1 rule 15 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**

- M4** 1981 c. 34.

*Adjournment of nomination proceedings in case of riot*

- 16 (1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—
- (a) the proceedings shall be abandoned for that day, and
  - (b) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery,
- and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).
- (2) Where proceedings are abandoned by virtue of this rule nothing—
- (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment;
  - (b) done before the abandonment shall be invalidated by reason of the abandonment.

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

- C44** Sch. 1 rule 16 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C45** Sch. 1 rule 16 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
Sch. 1 rule 16 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**)

*Method of election*

- 17 (1) If the statement of persons nominated shows more than one person standing nominated, a poll shall be taken in accordance with Part III of these rules.
- (2) If the statement of persons nominated shows only one person standing nominated, that person shall be declared to be elected in accordance with Part IV of these rules.

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

- C46** Sch. 1 rule 17 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C47** Sch. 1 rule 17 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
**C48** Sch. 1 rule 17 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
Sch. 1 rule 17 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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### PART III

#### CONTESTED ELECTIONS

##### GENERAL PROVISIONS

##### *Poll to be taken by ballot*

- 18 The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes have been given shall be declared to have been elected.

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

- C49** Sch. 1 rule 18 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C50** Sch. 1 rule 18 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**  
**C51** Sch. 1 rule 18 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
 Sch. 1 rule 18 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**)

##### *The ballot papers*

- 19 (1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.
- (2) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—
- shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
  - shall be capable of being folded up;
  - shall have a number printed on the back;
  - shall have attached a counterfoil with the same number printed [<sup>F14</sup>on it].
- (3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

##### Textual Amendments

- F14** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 76**

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

- C52** Sch. 1 rule 19 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C53** Sch. 1 rule 19 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**  
**C54** Sch. 1 rule 19 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**



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VALID FROM 01/01/2007

*[<sup>F15</sup>Corresponding number list*

**Textual Amendments**

**F15** Sch. 1 rule 19A inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 31\(2\), 77](#); [S.I. 2006/3412](#), [art. 3](#), Sch. 1 para. 14(o) (subject to transitional provisions in art. 6, Sch. 2); [S.I. 2008/1316](#), [arts. 2, 3](#)

- 19A (1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 24(1) or provided by him in pursuance of rule 29(1).
- (2) The list shall be in such form as the Secretary of State in regulations prescribes.]

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

**C55** Sch. 1 rule 19A 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](#))

*The official mark*

- 20 (1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.
- (2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency.
- (3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

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

- C56** Sch. 1 rules 20, 21 applied (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C57** Sch. 1 rules 20, 21 applied (E.W.S.) by [S.I. 1986/2209](#), [regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)
- C58** Sch. 1 rule 20 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art. 3\(1\)\(b\)\(5\)–\(8\)](#), [Sch. 1](#)  
Sch. 1 rule 20 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), [art. 6](#), [Sch. 2](#)
- C59** Sch. 1 rule 20 applied (with modifications) (31.7.1997) by [1997 c. 61](#), [s. 3](#), [Sch. 3 para. 13](#) Table 2  
Sch. 1 rule 20 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), [art. 3\(1\)](#), [Sch. 1](#)

*Prohibition of disclosure of vote*

- 21 No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state for whom he voted.

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

- C60** Sch. 1 rules 20, 21 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C61** Sch. 1 rules 20, 21 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C62** Sch. 1 rule 21 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 21 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**)

#### *Use of schools and public rooms*

- 22 (1) The returning officer may use, free of charge, for the purpose of taking the poll—
- (a) a room in a school to which this rule applies;
  - (b) a room the expense of maintaining which is payable out of any rate.

This rule applies—

- (i) in England and Wales, to a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;
- (ii) in Scotland, to a school other than an independent school within the meaning of the <sup>M5</sup>Education (Scotland) Act 1980;
- (iii) in Northern Ireland, to a school in receipt of a grant out of moneys appropriated by Measure of the Northern Ireland Assembly.

- (2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll.

[<sup>F16</sup>(3) The use of a room in an unoccupied house for that purpose does not render a person liable to be rated or to pay any rate for the house.]

- (4) In Northern Ireland this rule does not apply to any school adjoining or adjacent to any church or other place of worship nor to any school connected with a nunnery or other religious establishment.

#### Textual Amendments

- F16** Sch. 1 rule 22(3) repealed (E.W.S.) by Local Government Finance Act 1988 (c. 41, SIF 81:1, 103:2), s. 149, **Sch. 13 Pt. I**

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

- C63** Sch. 1 rule 22 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C64** Sch. 1 rule 22 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

#### Marginal Citations

- M5** 1980 c. 44.

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

## ACTION TO BE TAKEN BEFORE THE POLL

### *Notice of poll*

- 23 (1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and hours during which the poll will be taken.
- (2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of—
- (a) the situation of each polling station;
  - (b) the description of voters entitled to vote there; <sup>F17</sup>
  - <sup>F18</sup>(c) .....
- [<sup>F19</sup>and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents]
- <sup>F20</sup>(3) .....

#### Textual Amendments

- F17** Word repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 77(a)**, Sch. 5
- F18** [Sch. 1 rule 23\(2\)\(c\)](#) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 77(a)**, Sch. 5
- F19** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 77(a)**
- F20** [Sch. 1 rule 23\(3\)](#) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 77(b)**, Sch. 5

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

- C65** [Sch. 1 rule 23](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C66** [Sch. 1 rule 23](#) applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C67** [Sch. 1 rule 23](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)–(8), **Sch. 1**  
[Sch. 1 rule 23](#) applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, **Sch. 2**
- C68** [Sch. 1 rule 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**)
- C69** [Sch. 1 rule 23\(1\)](#) applied (with modifications) (31.7.1997) by [S.I. 1997 c. 61](#), s. 3, **Sch. 3 para. 13** Table 2

### *Postal ballot papers*

- 24 The returning officer shall as soon as practicable [<sup>F21</sup>and in no event later than any date which may be prescribed as the last date for the purpose] send to those entitled to vote by post, at the addresses [<sup>F22</sup>shown in the absent voters list], a ballot paper and a declaration of identity in the prescribed form, together with an envelope for their return.

#### Textual Amendments

- F21** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 78**
- F22** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 5**

*Status: Point in time view as at 06/08/1991.*

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

- C70** Sch. 1 rule 24 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C71** Sch. 1 rule 24 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C72** Sch. 1 rule 24 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 24 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C73** Sch. 1 rule 24 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

*Provision of polling stations*

- 25 (1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.
- (2) One or more polling stations may be provided in the same room.
- (3) the polling station allotted to electors from any polling district shall be in the polling place for that district.
- (4) In a constituency in Scotland comprising the whole or any part of more districts than one, there shall be at least one polling station in each of those districts.
- (5) the returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

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

- C74** Sch. 1 rule 25 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C75** Sch. 1 rule 25 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**

*Appointment of presiding officers and clerks*

- 26 (1) The returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.
- (2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.
- (3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station [<sup>F23</sup>or refuse to deliver a ballot paper under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38, 39 or 40)].

*Status: Point in time view as at 06/08/1991.*

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#### Textual Amendments

**F23** Words inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 2\(2\)](#)

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

- C76** [Sch. 1 rule 26](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)
- C77** [Sch. 1 rule 26](#) applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), [Sch. 1 Pt. I](#)
- C78** [Sch. 1 rule 26](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)-(8), [Sch. 1](#)  
[Sch. 1 rule 26](#) applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)
- C79** [Sch. 1 rule 26](#) applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3](#), [Sch. 3 para. 13](#) Table 2  
[Sch. 1 rule 26](#) 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](#))

#### Special lists

**F24**<sup>27</sup> .....

#### Textual Amendments

**F24** [Sch. 1 rule 27](#) repealed [S.I. 1986/1080](#), [arts. 3, 4\(2\)\(c\)](#), Sch. by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)

#### Issue of official poll cards

- 28 (1) The returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—
- (a) as an elector if he is placed on the absent voters list for the election; or
  - (b) as a proxy if [<sup>F25</sup>he is entitled to vote by post as proxy at the election]
- [<sup>F26</sup>and a card shall not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration].
- (2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.
- (3) The official poll card shall be in the prescribed form and shall set out—
- (a) the name of the constituency;
  - (b) the elector's name, qualifying address and number on the register;
  - (c) the date and hours of the poll and the situation of the elector's polling station.
- (4) Paragraph (6) of rule 7 above applies for the interpretation of this rule.

#### Textual Amendments

- F25** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, [Sch. 2 para. 6](#)
- F26** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), [s. 4\(6\)](#)

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

**C80** [Sch. 1 rule 28](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)

*Status: Point in time view as at 06/08/1991.*

**Changes to legislation:** Representation of the People Act 1983 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)

- C81** Sch. 1 rule 28 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C82** Sch. 1 rule 28 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 28 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
Sch. 1 rule 28 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**
- C83** Sch. 1 rule 28(1)–(3) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

### *Equipment of polling stations*

- 29 (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.
- (2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.
- (3) The returning officer shall provide each polling station with—
- materials to enable voters to mark the ballot papers;
  - instruments for stamping on them the official mark;
  - copies of the register of electors or such part of it as contains the names of the electors allotted to the station;
  - the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under subparagraph (c) above.
- (4) A notice in the form in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.
- (5) In every compartment of every polling station there shall be exhibited [<sup>F27</sup>the notice "Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted."]

#### **Textual Amendments**

- F27** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 79**

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

- C84** Sch. 1 rule 29 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C85** Sch. 1 rule 29 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C86** Sch. 1 rule 29 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 29 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C87** Sch. 1 rule 29 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
- C88** Sch. 1 rule 29(5) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**

### *Appointment of polling and counting agents*

- 30 (1) Each candidate may, before the commencement of the poll, appoint—
- polling agents to attend at polling stations for the purpose of detecting personation; and
  - counting agents to attend at the counting of the votes.

*Status: Point in time view as at 06/08/1991.*

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- (2) The returning officer may limit the number of counting agents, so however that—
  - (a) the number shall be the same in the case of each candidate; and
  - (b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.
- (3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the second day (computed like any period of time in the Timetable) before the day of the poll.
- (4) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.
- (5) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of this Act as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.
- (6) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—
  - (a) whose appointments have been duly made and notified; and
  - (b) where the number of agents is restricted, who are within the permitted number.
- (7) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.
- (8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agent or counting agents.
- (10) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

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

- C89** Sch. 1 rule 30 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C90** Sch. 1 rule 30 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C91** Sch. 1 rule 30 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 30 applied (with modifications) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C92** Sch. 1 rule 30(2)(9) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)**  
(7)

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*[<sup>F28</sup> Notification of requirement of secrecy]*

**Textual Amendments**

**F28** Sch. 1 rule 31 substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 80

- <sup>F29</sup>31 The returning officer shall make such arrangements as he thinks fit to ensure that—
- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of subsections (1), (3) and (6) of section 66 of this Act; and
  - (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.]

**Textual Amendments**

**F29** Sch. 1 rule 31 substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 80

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

- C93** Sch. 1 rule 31 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C94** Sch. 1 rule 31 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C95** Sch. 1 rule 31 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1 para. 31 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2
- C96** Sch. 1 rule 31 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2  
Sch. 1 rule 31 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)

VALID FROM 01/01/2007

*[<sup>F30</sup> Return of postal ballot papers*

**Textual Amendments**

**F30** Sch. 1 rule 31A inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 45(2), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(u) (subject to transitional provisions in art. 6, Sch. 2) S. 61(6A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 38(3), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(s) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts 2, 4

- 31A (1) Where—
- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
  - (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,
- the returning officer must mark the list in the prescribed manner.



*Status: Point in time view as at 06/08/1991.*

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(2) For the purposes of paragraph (1) above, regulations may prescribe the circumstances in which a postal vote or a proxy postal vote (as the case may be) is or is not to be treated as having been returned.

(3) Rule 45(1B) and (2) below does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.]

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

**C97** Sch. 1 rule 31A(1)(3) 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)

THE POLL

*Admission to polling station*

- 32 (1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—
- (a) the candidates and their election agents;
  - (b) the polling agents appointed to attend at the polling station;
  - (c) the clerks appointed to attend at the polling station;
  - (d) the constables on duty; and
  - (e) the companions of blind voters.
- (2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Act, except on production and surrender of a certificate as to his employment, which shall be in the prescribed form and signed by the prescribed officer of police or by the returning officer, as the case may be.
- (4) Any certificate surrendered under this rule shall forthwith be cancelled.

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

**C98** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C99** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C100** Sch. 1 rule 32 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1 Sch. 1 rule 32 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

**C101** Sch. 1 rule 32(1)(3)(4) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

**C102** Sch. 1 rule 32(2) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(6)(d)(7)

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### *Keeping of order in station*

- 33 (1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—
- (a) by a constable in or near that station, or
  - (b) by any other person authorised in writing by the returning officer to remove him,
- and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

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

- C103** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C104** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C105** Sch. 1 rule 33 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 33 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C106** Sch. 1 rule 33 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 33 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**)

### *Sealing of ballot boxes*

- 34 Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

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

- C107** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C108** Sch. 1 rules 32–34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C109** Sch. 1 rule 34 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 34 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C110** Sch. 1 rule 34 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 34 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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### *Questions to be put to voters*

- 35 (1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—
- (a) in the case of a person applying as an elector—
    - (i) “Are you the person registered in the register of parliamentary electors for this election as follows?” (*read the whole entry from the register.*)
    - (ii) “Have you already voted, here or elsewhere, at this by-election [general election], otherwise than as proxy for some other person?”
  - (b) in the case of a person applying as proxy—
    - (i) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?”
    - (ii) “Have you already voted here or elsewhere at this by-election [general election] as proxy on behalf of C.D.?”
- (2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—
- “Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?”
- and if that question is not answered in the affirmative the following question—
- “Have you at this election already voted in this constituency on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”
- (3) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.
- (4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

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

- C111** Sch. 1 rule 35 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C112** Sch. 1 rule 35 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C113** Sch. 1 rule 35 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 35 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C114** Sch. 1 rule 35 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 35 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

### *Challenge of voter*

- 36 (1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

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- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
  - (b) undertakes to substantiate the charge in a court of law,
- the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.
- (2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.
  - (3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

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

**C115** Sch. 1 rule 36 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C116** Sch. 1 rule 36 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C117** Sch. 1 rule 36 was prospectively repealed (E.W.) by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), **Sch. 7 Pt. I** but before that repeal was brought into force, the relevant repealing provision was itself repealed (16.7.1985) by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**

**C118** Sch. 1 rule 36 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 36 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

**C119** Sch. 1 rule 36 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 36 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

#### *Voting procedure*

- 37 (1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the ballot paper shall be stamped with the official mark;
  - (b) the number, [<sup>F31</sup>and name] of the elector as stated in the copy of the register of electors shall be called out;
  - (c) the number of the elector shall be marked on the counterfoil;
  - (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
  - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- (2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

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#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland.

#### Textual Amendments

- F31** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 81](#)

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

- C120** [Sch. 1 rule 37](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)  
[Sch. 1 rule 37](#) modified (17.2.1994) by [S.I. 1994/342](#), [arts. 1\(2\)\(3\)](#), 2(2), 16(4)
- C121** [Sch. 1 rule 37](#) applied (with modifications) (31.7.1997) by [1997 c. 61](#), s. 3, [Sch. 3 para. 13](#) Table 2  
[Sch. 1 rule 37](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), [Sch. 1](#)

- 37 (1) [<sup>F96</sup>Subject to paragraphs (1A) to (1G) below, a] ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the ballot paper shall be stamped with the official mark;
  - (b) the number, [<sup>F97</sup>and name] of the elector as stated in the copy of the register of electors shall be called out;
  - (c) the number of the elector shall be marked on the counterfoil;
  - (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
  - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- [<sup>F98</sup>(1A) A ballot paper shall not be delivered to a voter unless he has produced a specified document to the presiding officer or a clerk.
- (1B) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced shall deliver a ballot paper to the voter unless the officer or clerk decides that the document raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.
- (1C) Where a voter produces a specified document to a presiding officer and he so decides, he shall refuse to deliver a ballot paper to the voter.
- (1D) Where a voter produces a specified document to a clerk and he so decides, he shall refer the matter and produce the document to the presiding officer who shall proceed as if the document had been produced to him in the first place.
- (1E) For the purposes of this rule a specified document is one which for the time being falls within the following list:—
- (a) a current licence to drive a motor vehicle granted under Part III of the <sup>M44</sup>Road Traffic Act 1972 (excluding a provisional licence), or under [<sup>F99</sup>Articles 8 and 12] of the <sup>M45</sup>Road Traffic (Northern Ireland) Order 1981 or any corresponding enactment for the time being in force;
  - (b) a current passport issued by the Government of the United Kingdom or by the Government of the Republic of Ireland;

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- (c) a current book for the payment of allowances, benefits or pensions issued by the Department of Health and Social Services for Northern Ireland;
- (d) a medical card issued by the Northern Ireland Central Services Agency for the Health and Social Services;
- (e) a certified copy, or extract, of an entry of marriage issued by a Registrar General, where the voter producing the copy or extract is a woman married within the period of two years ending with the day of the poll concerned.
- [ a British seaman's card issued in accordance with regulations made under
- <sup>F100</sup>(f) section 70 of the <sup>M46</sup>Merchant Shipping Act 1970]
- [ a card made of plastic on which the name and national insurance number
- <sup>F101</sup>(g) of the person to whom it is issued have been embossed and which has been issued by the Department of Health and Social Security or the Department of Social Security]

In sub-paragraph (e) above “a Registrar General” means the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General for Northern Ireland.

- (1F) Regulations may make provision varying the list in paragraph (1E) above (whether by adding or deleting documents or varying any description of document).
- (1G) References in this rule to producing a document are to producing it for inspection.]
- (2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

#### Subordinate Legislation Made

- P3** Sch. 1 r. 37: for previous exercises of this power, see Index of Government Orders.
- P4** Sch. 1 rule 37(1F): s. 53 (with s. 201(1), Sch. 1 r. 37(1F) and Sch. 2 para. 11A) power exercised (N.I.) by S.I.1991/1674.

#### Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only.

#### Textual Amendments

- F96** Words substituted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 2(3)(a)
- F97** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 81
- F98** Sch. 1 rule 37(1A)–(1G) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 1(2)
- F99** Words substituted by S.I. 1986/1091, regs. 2, 13(a)
- F100** Sch. 1 rule 37(1E)(f) added by S.I. 1986/1091, regs. 2, 13(b)
- F101** Sch. 1 rule 37(1E)(g) added (N.I.) by S.I. 1991/1674, reg.4.

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

- C218** Sch. 1 rule 37 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I  
Sch. 1 rule 37 modified (17.2.1994) by S.I. 1994/342, arts. 1(2)(3), 2(2), 16(4)

*Status: Point in time view as at 06/08/1991.*

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- C219** Sch. 1 rule 37 applied (with modifications) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
Sch. 1 rule 37 applied (with modifications) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
Sch. 1 rule 37 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**  
**C220** Sch. 1 rule 37 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

#### Marginal Citations

- M44** 1972 c.20 (107).  
**M45** S.I. 1981/154 (N.I. 1)  
**M46** 1970 c.36 (111).

#### *Votes marked by presiding officer*

- 38 (1) [<sup>F32</sup>The]<sup>F32</sup>Subject to paragraph (1A) below, the] presiding officer, on the application of a voter—
- who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
  - who declares orally that he is unable to read,
- shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

[<sup>F33</sup>(1A) Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but reading references to delivering a ballot paper to a voter as references to causing a voter's vote to be marked on a ballot paper.]

- (2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called "the list of votes marked by the presiding officer").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

#### Textual Amendments

- F32** Words substituted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 2(3)(b)  
**F33** Sch. 1 rule 38(1A) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 1(3)

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

- C122** Sch. 1 rule 38 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C123** Sch. 1 rule 38 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
**C124** Sch. 1 rule 38 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
Sch. 1 rule 38 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
**C125** Sch. 1 rule 38 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 38 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

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### *Voting by blind persons*

- 39 (1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.
- (2) <sup>F34</sup>If <sup>F34</sup>Subject to paragraph (2A) below, if] the presiding officer—
- (a) is satisfied that the voter is so incapacitated, and
  - (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a blind voter”) that the companion—
    - (i) is a qualified person within the meaning of this rule, and
    - (ii) has not previously assisted more than one blind person to vote at the election,
 the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.
- <sup>F35</sup>(2A) Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a voter who applies under paragraph (1) above as they apply in the case of a voter who applies under rule 37(1), but reading references to delivering a ballot paper to a voter as references to granting a voter’s application.]
- (3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—
- (a) a person who is entitled to vote as an elector at the election; or
  - (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.
- (4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of blind voters assisted by companions”).
- In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.
- (5) The declaration made by the companion—
- (a) shall be in the form in the Appendix;
  - (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.
- (6) No fee or other payment shall be charged in respect of the declaration.

#### **Textual Amendments**

**F34** Words substituted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 2\(3\)\(c\)](#)

**F35** [Sch. 1 rule 39\(2A\)](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 1\(4\)](#)



*Status: Point in time view as at 06/08/1991.*

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

**C126** Sch. 1 rule 39 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**

**C127** Sch. 1 rule 39 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**

**C128** Sch. 1 rule 39 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 39 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

**C129** Sch. 1 rule 39 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

*Tendered ballot papers*

- 40 (1) If a person, representing himself to be—
- (a) a particular elector named on the register and not named in the absent voters list, or
  - (b) a particular person named in the list of proxies as proxy for an elector and not <sup>F36</sup> entitled to vote by post as proxy,
- applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.
- [<sup>F37</sup>(1A) Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) above as they apply in the case of a voter who applies for a ballot paper under rule 37(1).
- (1B) Paragraph (1C) below applies where a presiding officer refuses to deliver a ballot paper to a person under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38 or 39 of this rule).
- (1C) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.]
- (2) A tendered ballot paper shall—
- (a) be of a colour differing from the other ballot papers;
  - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.
- (3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the “tendered votes list”).
- (4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.
- [<sup>F38</sup>(5) A person who marks a tendered ballot paper under paragraph (1C) above shall sign the paper, unless it was marked after an application was refused under rule 38 or 39.
- (6) A paper which is required to be signed under paragraph (5) above and is not so signed shall be void.]

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#### Textual Amendments

- F36** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 11, 28, [Sch. 2 para. 7](#), [Sch. 5](#)  
**F37** [Sch. 1 rule 40\(1A\)–\(1C\)](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 1\(5\)](#)  
**F38** [Sch. 1 rule 40\(5\)\(6\)](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 1\(6\)](#)

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

- C130** [Sch. 1 rule 40](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)  
**C131** [Sch. 1 rule 40](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)  
**C132** [Sch. 1 rule 40](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)  
[Sch. 1 rule 40](#) applied (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)  
**C133** [Sch. 1 rule 40](#) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, [Sch. 3 para. 13](#) Table 2  
[Sch. 1 rule 40](#) applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3(1), [Sch. 1](#)

### *[<sup>F39</sup> Refusal to deliver ballot paper]*

#### Textual Amendments

- F39** [Sch. 1 rule 40A](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 2\(4\)](#)

[<sup>F40</sup>40A(1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (1C) of rule 37 (including that paragraph as applied by rule 38, 39 or 40).

(2) The refusal shall be subject to review on an election petition but, subject to that, shall be final and shall not be questioned in any proceeding whatsoever.]

#### Textual Amendments

- F40** [Sch. 1 rule 40A](#) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 2\(4\)](#)

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

- C134** [Sch. 1 rule 40A](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)  
**C135** [Sch. 1 rule 40A](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(b)(5)–(8), [Sch. 1](#)  
[Sch. 1 rule 40A](#) applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), art. 6, [Sch. 2](#)  
[Sch. 1 rule 40A](#) 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](#))

### *Spoilt ballot papers*

41 A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as “a spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

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

- C136** [Sch. 1 rules 41, 42](#) applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. I](#)  
**C137** [Sch. 1 rules 41, 42](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

*Status: Point in time view as at 06/08/1991.*

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- C138** Sch. 1 rule 41 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
Sch. 1 rule 41 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C139** Sch. 1 rule 41 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 41 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**)

VALID FROM 01/01/2007

*[<sup>F41</sup> Correction of errors on day of poll*

**Textual Amendments**

- F41** Sch. 1 rule 41A inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6),  
77, **Sch. 1 para. 38**; S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions  
in art. 6, Sch. 2)

- 41A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of this Act which takes effect on the day of the poll.]

VALID FROM 14/05/2008

*[<sup>F42</sup> Correction of errors on day of poll: Northern Ireland*

**Textual Amendments**

- F42** Sch. 1 rule 41B inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33),  
ss. 30(1), 31, **Sch. 4 para. 6(8)**; S.I. 2008/1318, art. 2

- 41B The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) which takes effect on the day of the poll.]

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

- C140** Sch. 1 rule 41B 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**)

*Adjournment of poll in case of riot*

- 42 (1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.
- (2) Where the poll is adjourned at any polling station—

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- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
- (b) references in this Act to the close of the poll shall be construed accordingly.

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

- C141** Sch. 1 rules 41, 42 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C142** Sch. 1 rules 41, 42 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C143** Sch. 1 rule 42 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 42 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C144** Sch. 1 rule 42 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 42 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**)

*Procedure on close of poll*

- 43 (1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—
- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
  - (b) the unused and spoilt ballot papers placed together,
  - (c) the tendered ballot papers,
  - (d) the marked copies of the register of electors and of the list of proxies,
  - (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
  - (f) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of blind voters,
- and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer’s approval.
- (2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.
- (3) The packets shall be accompanied by a statement (in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

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

- C145** Sch. 1 rules 43, 44 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

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- C146** Sch. 1 rules 43, 44 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C147** Sch. 1 rule 43 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 43 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C148** Sch. 1 rule 43 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

## COUNTING OF VOTES

### *Attendance at counting of votes*

- 44 (1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.
- (2) No person other than—
- (a) the returning officer and his clerks,
  - (b) the candidates and their wives or husbands,
  - (c) the election agents,
  - (d) the counting agents,
- may be present at the counting of the votes, unless permitted by the returning officer to attend.
- (3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he—
- (a) is satisfied that the efficient counting of the votes will not be impeded; and
  - (b) has either consulted the election agents or thought it impracticable to do so.
- (4) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.
- (5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

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

- C149** Sch. 1 rules 43, 44 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C150** Sch. 1 rules 43, 44 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C151** Sch. 1 rule 44 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 44 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C152** Sch. 1 rule 44(5) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**  
Sch. 1 rule 44 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

*Status: Point in time view as at 06/08/1991.*

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### *The count*

- 45 <sup>F43</sup>(1) The returning officer shall—
- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
  - (b) in the presence of the election agents verify each ballot paper account; and
  - (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (1A) The returning officer shall not count the votes given on any ballot papers until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
  - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.]
- (2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.
- (3) The returning officer shall not count any tendered ballot paper.
- (4) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- (5) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.
- (6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.
- For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.
- (7) During the time so excluded the returning officer shall—
- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
  - (b) otherwise take proper precautions for the security of the papers and documents.

#### **Textual Amendments**

**F43** Sch. 1 rule 45(1)(1A) substituted for rule 45(1) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 82](#)

*Status: Point in time view as at 06/08/1991.*

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

**C153** Sch. 1 rule 45 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C154** Sch. 1 rule 45 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), Sch. 1  
Sch. 1 rule 45 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

**C155** Sch. 1 rule 45 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

*Recount*

- 46 (1) A candidate or his election agent may, if present when the counting or any recount of the votes is completed, require the returning officer to have the votes recounted or again recounted but the returning officer may refuse to do so if in his opinion the request is unreasonable.
- (2) No step shall be taken on the completion of the counting or any recount of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

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

**C156** Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C157** Sch. 1 rule 46 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1

*Rejected ballot papers*

- 47 (1) Any ballot paper—
- (a) which does not bear the official mark, or
  - (b) on which votes are given for more than one candidate, or
  - (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
  - (d) which is unmarked or void for uncertainty,
- shall, subject to the provisions of the next following paragraph, be void and not counted.
- (2) A ballot paper on which the vote is marked—
- (a) elsewhere than in the proper place, or
  - (b) otherwise than by means of a cross, or
  - (c) by more than one mark,
- shall not for such reason be deemed to be void if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.
- (3) The returning officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if an objection is made by a counting agent to his decision.
- (4) The returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—
- (a) want of official mark;
  - (b) voting for more than one candidate;

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- (c) writing or mark by which voter could be identified;
- (d) unmarked or void for uncertainty.

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

- C158** Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C159** Sch. 1 rule 47 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
 Sch. 1 rule 47 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**  
 Sch. 1 rule 47 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C160** Sch. 1 rule 47 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

*Decisions on ballot papers*

- 48 The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

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

- C161** Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C162** Sch. 1 rule 48 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
 Sch. 1 rule 48 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 1**

*Equality of votes*

- 49 Where, after the counting of the votes (including any recount) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

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

- C163** Sch. 1 rules 46–49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C164** Sch. 1 rule 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**

**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



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- (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)**

- C165** Sch. 1 rule 50 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C166** 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**
- C167** 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 the postmaster of the principal post office of the place of election or the postmaster's deputy.
  - (4) The postmaster 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.

*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.

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- (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.

*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 [<sup>F44</sup>not later than the next day after that on which] the result of the election is declared.
- [<sup>F45</sup>(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 [<sup>F46</sup>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**

**F44** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 83(a)**

**F45** [Sch. 1 rule 53\(2A\)](#) inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 83(b)**

**F46** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 13(b)

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

**C168** [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**)

**C169** [Sch. 1 rule 53](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**

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## PART V

### DISPOSAL OF DOCUMENTS

VALID FROM 04/09/2009

#### *<sup>F47</sup>Destruction of home address forms*

##### **Textual Amendments**

**F47** Sch. 1 rule 53A and preceding cross-heading inserted (4.9.2009) before Sch. 1 rule 54 by **Political Parties and Elections Act 2009 (c. 12), ss. 24(7), 43(1); S.I. 2009/2395, art. 2** (with art. 3)

- 53A The returning officer shall destroy each candidate's home address form—
- (a) on the next working day following the 21st day after the officer has returned the name of the member elected; or
  - (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.]

#### *Sealing up of ballot papers*

- 54 (1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.
- (2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

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

- C170** Sch. 1 rules 54–57, 60 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C171** Sch. 1 rules 54–57, 60 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C172** Sch. 1 rule 54 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
Sch. 1 rule 54 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C173** Sch. 1 rule 54 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 54 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

#### *Delivery of documents to Clerk of the Crown*

- 55 (1) The returning officer shall then forward to the Clerk of the Crown the following documents—
- (a) the packets of ballot papers in his possession,
  - (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,

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- (c) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,
  - (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
  - (e) the packets containing marked copies of registers and of lists of proxies, endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.
- (2) The returning officer may forward the documents either by delivering them by himself or his agent to the Clerk of the Crown or his deputy or by sending them by post in like manner as he may send the writ by post; but if he sends them by post—
- (a) he shall send a letter to the Clerk of the Crown by the same post, specifying the number and description of the documents so sent;
  - (b) a copy of the receipt given him by the postmaster or deputy postmaster shall be signed by him and retained by the postmaster or deputy postmaster.
- (3) The Clerk of the Crown shall on receiving the documents give a receipt to the person delivering them, and shall register them in books of the Crown Office specifying the date and time of receipt.
- (4) Any receipt to be given for the documents shall show the date and time of their receipt.

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

**C174** Sch. 1 rules 54–57, 60 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C175** Sch. 1 rules 54–57, 60 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C176** Sch. 1 rule 55 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 55 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

*Orders for production of documents*

- 56 (1) An order—
- (a) for the inspection or production of any rejected ballot papers in the custody of the Clerk of the Crown, or
  - (b) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,
- may be made—
- (i) by the House of Commons; or
  - (ii) if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition, by the High Court or a county court.
- (2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the Clerk of the Crown's custody may be made by an election court.

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- (3) An order under this rule may be made subject to such conditions as to—
- (a) persons,
  - (b) time,
  - (c) place and mode of inspection,
  - (d) production or opening,
- as the House of Commons or court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—
- (i) that his vote was given; and
  - (ii) that the vote has been declared by a competent court to be invalid.
- (4) An appeal lies to the High Court from any order of a county court under this rule.
- (5) Any power given under this rule—
- (a) to the High Court or, except in Northern Ireland, to a county court, may be exercised by any judge of the court otherwise than in open court; and
  - (b) in Northern Ireland to a county court, may be exercised in such manner as may be provided by rules of court.
- (6) Where an order is made for the production by the Clerk of the Crown of any document in his possession relating to any specified election—
- (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
  - (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.
- (7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.
- (8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Clerk of the Crown or to open any sealed packets of counterfoils and certificates.

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

**C177** Sch. 1 rules 54–57, 60 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C178** Sch. 1 rules 54–57, 60 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C179** Sch. 1 rule 56 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 56 applied (with modifications) (I.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

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### *Retention and public inspection of documents*

- 57 (1) The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him in pursuance of these rules by a returning officer, and then, unless otherwise directed by order of the House of Commons or the High Court, shall cause them to be destroyed.
- (2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and subject to such conditions as may be prescribed by the Clerk of the Crown with the consent of the Speaker of the House of Commons.
- (3) The Clerk of the Crown shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be sanctioned by the Treasury.

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

**C180** Sch. 1 rules 54–57, 60 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C181** Sch. 1 rules 54–57, 60 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C182** Sch. 1 rule 57 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 57 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

### *Disposal of documents in Scotland*

- 58 In Scotland, the documents mentioned in sub-paragraphs (a) to (e) of paragraph (1) of rule 55 of these rules shall, instead of being forwarded to the Clerk of the Crown—
- (a) be kept by the sheriff clerk of the sheriff court district comprising the constituency, or
- (b) if the constituency comprises the whole or part of more sheriff court districts than one, the sheriff clerk of such one of those sheriff court districts as the Secretary of State may by order appoint,
- and the provisions of rules 56 and 57 of these rules apply to those documents with the substitution of that sheriff clerk for the Clerk of the Crown.

### *Disposal of documents in Northern Ireland*

- 59 In relation to an election for a constituency in Northern Ireland, any reference in this Part of these rules to the Clerk of the Crown shall be taken as a reference to the Clerk of the Crown for Northern Ireland.

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## PART VI

### DEATH OF CANDIDATE

VALID FROM 01/01/2007

*<sup>F48</sup>Deceased independent candidate wins*

#### Textual Amendments

**F48** Sch. 1 rules 60-65 substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for Sch. 1 rule 60 by Electoral Administration Act 2006 (c. 22), ss. 24, 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(k) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4

- 61 (1) This rule applies if at an election mentioned in rule 60(1) the majority of votes is given to the deceased candidate.
- (2) Rule 50(1) (declaration of result) does not apply but the returning officer must—
- declare that the majority of votes has been given to the deceased candidate,
  - declare that no member is returned, and
  - give public notice 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.
- (3) Rule 53 (return or forfeiture of candidate's deposit) does not apply in relation to the remaining candidates.
- (4) The returning officer must not return the writ and the proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.
- (5) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day of the election mentioned in rule 60(1).
- (6) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated as standing nominated, and no other nomination may be made.
- (7) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.
- (8) Rule 9 (deposit) does not apply.
- (9) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.
- (10) For the purposes of this rule a working day is a day which is not a day specified in rule 2(1)(a) to (c).

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

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

**C183** Sch. 1 rule 61 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 01/01/2007

*Deceased independent candidate with equality of votes*

- 62 In an election mentioned in rule 60(1), if—
- (a) rule 49 applies (equality of votes), and
  - (b) any of the candidates to whom that rule applies is a deceased candidate, the deceased candidate must be ignored.

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

**C184** Sch. 1 rule 62 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 01/01/2007

*Party candidate*

- 63 (1) This rule applies if—
- (a) at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot paper has died, and
  - (b) that person is standing in the name of a registered political party.
- (2) The returning officer must—
- (a) countermand notice of the poll, or
  - (b) if polling has begun, direct that the poll be abandoned.
- (3) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.
- (4) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day the proof is given to the returning officer.
- (5) No fresh nomination is necessary in the case of a person shown in the statement of persons nominated as standing nominated.
- (6) No other nomination may be made except for a person standing in the name of the same registered political party in whose name the deceased candidate was standing.
- (7) The last day on which a nomination mentioned in paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.



*Status:* Point in time view as at 06/08/1991.

*Changes to legislation:* Representation of the People Act 1983 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)

- (8) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (5) or in pursuance of paragraph (6) may be delivered is the seventh working day after the day on which the writ is taken to be received.
- (9) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.
- (10) For the purposes of this rule—
  - (a) a person stands in the name of a registered political party if his nomination paper contains a description which is authorised as mentioned in rule 6A(1) or (1B);
  - (b) a registered political party is a party which is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000;
  - (c) a working day is a day which is not a day specified in rule 2(1)(a) to (c).

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

**C185** Sch. 1 rule 63 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 01/01/2007

*Speaker of the House of Commons seeking re-election*

- 64
- (1) This rule applies if at a contested election—
    - (a) one of the candidates is the Speaker of the House of Commons seeking re-election, and
    - (b) proof is given to the returning officer's satisfaction before the result of the election is declared that that candidate has died.
  - (2) The returning officer must—
    - (a) countermand notice of the poll, or
    - (b) if polling has begun, direct that the poll be abandoned.
  - (3) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.
  - (4) The writ for the election must be taken to have been received on the first working day after the end of the period of seven days starting on the day the proof is given to the returning officer.
  - (5) The last day on which—
    - (a) nominations, or
    - (b) notice of withdrawal of candidature,may be delivered is the seventh working day after the day on which the writ is taken to be received.

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

- (6) The poll must be held on a day in the period which starts 15 working days after the day on which the writ is taken to have been received and ends 19 working days after that day.
- (7) For the purposes of this rule a working day is a day which is not a day specified in rule 2(1)(a) to (c).

VALID FROM 01/01/2007

*Abandoned poll*

- 65 (1) This rule applies to—
- (a) a poll which is abandoned in pursuance of rule 60(4)(b) as if it were a poll at a contested election;
  - (b) a poll which is abandoned in pursuance of rule 63(2)(b) or 64(2)(b).
- (2) The presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll.
  - (3) The returning officer must dispose of ballot papers and other documents in his possession as is he required to do on the completion of the counting of the votes.
  - (4) It is not necessary for a ballot paper account to be prepared or verified.
  - (5) No step or further step is to be taken for the counting of the ballot papers or of the votes.
  - (6) The returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.
  - (7) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to paragraphs (8) and (9).
  - (8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.
  - (9) No order is to be made for—
    - (a) the production or inspection of any ballot papers, or
    - (b) the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on the day of the poll,
 unless the order is made by a court with reference to a prosecution.]

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

**C186** Sch. 1 rule 65 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 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

### *Countermand or abandonment of poll on death of candidate*

- 60 (1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received 28 days after the day on which proof was given to the returning officer of the death except that—
- (a) no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated, and
  - (b) in the case of a general election, as in the case of a by-election, the time for delivery of nomination papers and the time for polling shall be determined in accordance with the third column in the Timetable in rule 1 of these rules (with the necessary modification of any reference to the date on which the writ is received).
- (2) Where the poll is abandoned by reason of a candidate's death the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—
- (a) it shall not be necessary for any ballot paper account to be prepared or verified; and
  - (b) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.
- (3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications—
- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
  - (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

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

**C187** Sch. 1 rules 54–57, 60 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C188** Sch. 1 rules 54–57, 60 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

Sch. 1 rule 60 applied (with modifications) (I.8.2001) by S.I. 2001/2599, art. 3(1), **Sch. 1**

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

## APPENDIX OF FORMS

### Modifications etc. (not altering text)

- C189** Appendix of Forms applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**  
Appendix of Forms applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
Appendix of Forms applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**
- C190** Appendix of Forms applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. 1**
- C191** Appendix of Forms applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Appendix of Forms applied (with modifications) (1.8.2001) by S.I. 2001/2599, art 3(1), **Sch. 1**

*Note.*—The forms contained in this Appendix may be adapted so far as circumstances require.

### *Form of writ*

*\*The name of the sovereign may be altered when necessary.*

\*Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith to the Returning Officer for the Constituency Greeting

†*This preamble to be omitted except in case of a general election.* ‡*Except in a general election insert here in the place of A. B., deceased or otherwise, stating the cause of vacancy.*

†Whereas by the advice of Our Council We have ordered a Parliament to be holden at Westminster on the day of next We Command you that due notice being first given you do cause election to be made according to law of a Member to serve in Parliament for the said Constituency [‡in the place of ]

And that you do cause the name of such Member when so elected, whether he be present or absent, to be certified to Us in Our Chancery without delay

Witness Ourself at Westminster the day of in the year of Our Reign, and in the year of Our Lord 19 .

### *Label or direction of writ*

To the Returning Officer for the Constituency.

A writ of a new election of a Member for the said Constituency.

### *Endorsement*

Received the within Writ on the day of , 19 .

(Signed)

Returning Officer (or as the case may be.)

### *Certificate endorsed on writ*

I hereby certify, that the Member elected for the Constituency in pursuance of the within written Writ is of in the County of

*Status: Point in time view as at 06/08/1991.*

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(Signed)

Returning Officer (or as the case may be.)

*F49 Form of notice of election*

**Textual Amendments**

**F49** Sch. 1 Appendix of Forms: Form of notice of election repealed by [Representation of the People Act 1985](#) (c. 50, SIF 42), s. 28, **Sch. 5**

*Form of nomination paper*

ELECTION OF A MEMBER to serve in Parliament for the Constituency.

We the undersigned, being electors for the said Constituency, do hereby nominate the undermentioned person as a candidate at the said election.

<b>Candidate's surname</b>	<b>Other names in full</b>	<b>Description</b>	<b>Home address in full</b>
Brown	John Edward	Merchant	52, George Street, Bristol

**Signatures**

**Electoral Number (See Note 3)**

**Distinctive letter**

**Number**

Proposer

Seconder

We, the undersigned, being electors for the said Constituency, do hereby assent to the foregoing nomination.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

*NOTE*

- 1 The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

parliamentary elections rules in Schedule 1 to the Representation of the <sup>M6</sup>People Act 1983.

#### Marginal Citations

**M6** 1983 c. 2.

- 2 Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

VALID FROM 01/01/2007

- [<sup>F50</sup>2B But the ballot paper will show the other name if the returning officer thinks—
- (a) that the use of the commonly used name may be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.]

#### Textual Amendments

**F50** Sch. 1 Appendix of Forms, Form of nomination paper, Note: paras. 2A, 2B inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 21(5), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(h) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, **arts. 2, 4**

- 3 A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.
- 4 An elector may not subscribe more than one nomination paper for the same election.
- 5 A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

### *Form of Ballot Paper*

#### Form of Front of Ballot Paper

F51

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

<i>Form of Ballot Paper</i>		<b>SCH. 1</b>
<i>Form of Front of Ballot Paper</i>		<b>Counterfoil No.</b>
<b>1</b>	<b>BROWN</b> (JOHN EDWARD Brown, of 52, George Street, Bristol, merchant.)	<i>The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.</i>
<b>2</b>	<b>BROWN</b> (THOMAS WILLIAM Brown, of 136, London Road, Swindon, salesman.)	
<b>3</b>	<b>JONES</b> (William David Jones, of High Elms, Wilts., gentleman.)	
<b>4</b>	<b>MERTON</b> (Hon. George Travis, commonly called Viscount Merton, of Swansworth, Berks.)	
<b>5</b>	<b>SMITH</b> (Mary Smith, of 72 High Street, Bath, married woman.)	

Form of Back of Ballot Paper

No.

Election for the Constituency on 19

*Note.—The number on the ballot paper is to correspond with that on the counterfoil.*

#### **Textual Amendments**

**F51** Words "VOTE FOR ONE CANDIDATE ONLY" in large capitals inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, [Sch. 4 para. 84](#)

#### *Directions as to printing the ballot paper*

- 1 Nothing is to be printed on the ballot paper except in accordance with these directions.

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

- 2 So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—
- (a) no word shall be printed on the face except [<sup>F52</sup>the direction “VOTE FOR ONE CANDIDATE ONLY” and] the particulars of the candidates;
  - (b) no rule shall be printed on the face except [<sup>F53</sup>the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and] the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the lefthand side and the spaces on the right where the vote is to be marked;
  - (c) the whole space between the top and bottom of the paper shall be equally divided between [<sup>F54</sup>the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above].

#### Textual Amendments

**F52** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 85\(a\)](#)

**F53** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 85\(b\)](#)

**F54** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 85\(c\)](#)

[<sup>F55</sup>2A The direction mentioned in paragraph 2(a) above shall be printed in large capitals.]

#### Textual Amendments

**F55** [Sch. 1 Appendix of Forms, Directions as to printing the ballot paper: para. 2A inserted by Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 85\(d\)](#)

VALID FROM 01/01/2007

[<sup>F56</sup>2B Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidates particulars and spaces where the vote is to be marked if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule.]

#### Textual Amendments

**F56** [Sch. 1 Appendix of Forms, Directions as to printing the ballot paper: para. 2B inserted \(1.1.2007 for E.W.S. and 1.7.2008 for N.I.\) by Electoral Administration Act 2006 \(c. 22\), ss. 30\(3\), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14\(n\) \(subject to transitional provisions in art. 6, Sch. 2\); S.I. 2008/1316, arts. 2, 4](#)

- 3 The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—
- (a) if his surname is the same as another candidate’s, for his other names; and



*Status: Point in time view as at 06/08/1991.*

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- (b) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.

VALID FROM 24/03/1999

- [<sup>F57</sup>3A Where an emblem is to be printed against a candidate's particulars—
- (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidates' particulars from the spaces where the vote is to be marked, and
- (b) its size as printed shall not exceed two centimetres square.]

#### Textual Amendments

- F57** Sch. 1 Appendix of Forms, Directions as to printing the ballot paper: para. 3A inserted (24.3.1999) by 1998 c. 48, s. 13, **Sch. 2 para. 6(b)**; S.I. 1999/393, **art. 2**

- 4 The number on the back of the ballot paper shall be printed in small characters.

*[<sup>F58</sup> Form of directions for the guidance of the voters in voting]*

#### Textual Amendments

- F58** Form of directions for the guidance of voters in voting substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 86**

#### Guidance for Voters

- 1 When you are given a ballot paper make sure it is stamped with the official mark.
- 2 Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.
- 3 Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
- 4 Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.
- 5 If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

*Form of declaration to be made by the companion of a blind voter*

*\*State the relationship of the companion to the voter.*

I, *A. B.*, of \_\_\_\_\_, having been requested to assist *C. D.*, (*in the case of a blind person voting as proxy add voting as proxy for M. N.*) whose number on the register is \_\_\_\_\_ to record his vote at the election now being held in this constituency, hereby declare that [I am entitled to vote as an elector at the said election] [I am the \_\_\_\_\_ \* \_\_\_\_\_ of the said voter and have attained the age of 18 years], and that I have not previously assisted any blind person [except *E. F.*, of \_\_\_\_\_] to vote at the said election.

(Signed) *A. B.*,

day of \_\_\_\_\_ 19 \_\_\_\_\_.

I, the undersigned, being the presiding officer for the \_\_\_\_\_ polling station for the \_\_\_\_\_ Constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) *G. H.*,

day of \_\_\_\_\_ 19 \_\_\_\_\_.

minutes past \_\_\_\_\_ o'clock [a.m.] [p.m.]

*NOTE.*—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

SCHEDULE 2

Section 53.

PROVISIONS WHICH MAY BE CONTAINED IN REGULATIONS AS TO REGISTRATION ETC.

- 1 (1) Provisions prescribing the arrangements to be made for the carrying out of his registration duties by a registration officer for part of a constituency, where the constituency is not coterminous with or wholly situated in a district or London borough.
- (2) Provisions authorising a registration officer to require persons to give information required for the purpose of his registration duties.

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

**C192** Sch. 2 para. 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**

- 2 Provisions imposing on registration officers the duty of requiring persons to give information required for the purpose of the officer's duty under section 3(1) of the <sup>M7</sup>Juries Act 1974.

**Marginal Citations**

**M7** 1974 c. 23.

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

[<sup>F59</sup>2A Provisions requiring registration officers to remind persons registered in pursuance of overseas electors' declarations in a register of parliamentary electors of the need to make fresh declarations in order to be so registered in the subsequent register.]

#### Textual Amendments

**F59** Sch. 2 para. 2A inserted by Representation of the People Act 1989 (c. 28, SIF 42), s. 5

VALID FROM 01/01/2007

[<sup>F60</sup>2B Provisions requiring registration officers to remind persons with anonymous entries in registers of the need to make a fresh application and declaration in order for them to remain so registered.]

#### Textual Amendments

**F60** Sch. 2 para. 2B inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, Sch. 1 para. 15(3); S.I. 2006/3412, art. 3, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)

3 Provisions laying down a timetable for the preparation of the register and other matters, and providing that notices and other documents received by the registration officer out of time may be or shall be disregarded either altogether or for the purposes of a particular register or election.

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

**C193** Sch. 2 paras. 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 (as amended (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(6); S.I. 2001/116, art. 2(1)(2) (with art. 2(4)))

[<sup>F61</sup>3A Provisions as to the form and contents of applications for registration, including provisions as to any declarations to be made in connection with them.]

#### Textual Amendments

**F61** Sch. 2 para. 3A inserted (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, Sch. 1 para. 24(5); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

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

**C194** Sch. 2 para. 3A extended (N.I.) (with modifications) by 1989 c. 3, ss. 2, 13(6), Sch. 1 Pt. I (as amended (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(6); S.I. 2001/116, art. 2(1)(2) (with art. 2(4)))

VALID FROM 01/01/2007

[<sup>F62</sup>3B Provisions as to the form and content of applications for an anonymous entry and declarations to be made in connection with such applications.]

*Status: Point in time view as at 06/08/1991.*

*Changes to legislation: Representation of the People Act 1983 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)*

**Textual Amendments**

**F62** Sch. 2 para. 3B inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, Sch. 1 para. 15(4); S.I. 2006/3412, art. 3, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)

4 Provisions as to the manner in which service declarations, and applications and notices from service voters, are to be transmitted to the registration officer

[<sup>F63</sup>(2) Provisions as to the manner in which overseas electors’ declarations and applications from persons making such declarations, are to be transmitted to the registration officer.]

**Textual Amendments**

**F63** Sch. 2 para. 4(2) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 4(7)(a)

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

**C195** Sch. 2 paras. 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 (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(4)))

5 (1) Provisions as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, of a person’s service declaration having ceased to be in force.

[<sup>F64</sup>(1A) Provisions as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, of a person satisfying any of the requirements for qualifying as an overseas elector in respect of any constituency.]

(2) Provisions as to the evidence of age or nationality which may be required in connection with a person’s registration otherwise than as a service voter or with his appointment as a proxy.

(3) Provisions requiring any fee payable in connection with the making for the purpose of the regulations of any statutory declaration to be paid by the registration officer.

<sup>F65</sup>(4) . . . . .

**Textual Amendments**

**F64** Sch. 2 para. 5(1A) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 4(7)(b)

**F65** Sch. 2 para. 5(4) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 11, 28, Sch. 2 para. 8, Sch. 5

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

**C196** Sch. 2 paras. 3–11A 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)(2) (with art. 2(4)))

*Status: Point in time view as at 06/08/1991.*

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- [<sup>F66</sup>5A (1) Provision requiring applications under section 6 or 7 of the Representation of the People Act 1985 to be attested and limiting the number of such applications that a person may attest.
- (2) Provision requiring a person applying under section 7 of the Representation of the People Act 1985 to do so in person, producing a document of a prescribed description.
- (3) Provision as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, in connection with a person's application to vote by proxy or to vote by post as elector or as proxy.
- (4) Provision authorising or requiring registration officers—
- (a) to make inquiries of persons included in the record kept under section 6(3) of the Representation of the People Act 1985 for the purpose of determining whether there has been a material change of circumstances; and
- (b) to treat failure to respond to such inquiries as sufficient evidence of such a change.]

#### Textual Amendments

**F66** Sch. 2 para. 5A inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, Sch. 2 para. 8

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

**C197** Sch. 2 para. 5A extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I

**C198** Sch. 2 para. 5A applied (N.I.) (*prosp.*) by Representation of the People Act 1985 (c. 50, SIF 42), ss. 10, Sch. 1 para. 28

- 6 Provisions as to the cases in which a claim or objection may be determined by the registration officer without a hearing, and as to a person's right in any such cases to make written representations to him.

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

**C199** Sch. 2 para. 6 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I

- 7 Provisions authorising a registration officer to require any person's evidence at a hearing before him to be given on oath and to administer oaths for the purpose.

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

**C200** Sch. 2 paras. 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 for certain purposes and otherwise 14.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(6); S.I. 2001/116, art. 2(1) (with art. 2(4)))

*Status: Point in time view as at 06/08/1991.*

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- [<sup>F67</sup>8 Provisions requiring the registration officer to prepare a special list of those persons entitled to be registered whose addresses are not required to be shown on the electors lists or of any class of such persons, showing the addresses of the person concerned.]

**Textual Amendments**

- F67** Sch. 2 para. 8 substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 87(a)

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

- C201** Sch. 2 paras. 8 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I

VALID FROM 01/01/2007

- [<sup>F68</sup>8A Provisions requiring the registration officer to prepare a record of those persons with anonymous entries in the register showing, in relation to each such person, such information as is prescribed.]

**Textual Amendments**

- F68** Sch. 2 para. 8A inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, Sch. 1 para. 15(6); S.I. 2006/3412, art. 3, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)

- <sup>F69</sup>9 . . . . .

**Textual Amendments**

- F69** Sch. 2 para. 9 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 87(b), Sch. 5

- 10 Provisions requiring copies of the electors lists, register and other documents or prescribed parts of them to be available for inspection by the public at such places as may be prescribed.

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

- C202** Sch. 2 paras. 10 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 (29.1.2001 for certain purposes and otherwise *prosp.*) by 2000 c. 2, ss. 8, 17(2), Sch. 3 para. 3(6); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

*Status: Point in time view as at 06/08/1991.*

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VALID FROM 16/02/2001

[<sup>F70</sup>10A Provisions requiring copies of the full register and other documents, or prescribed parts of them, to be available for inspection by the public at such places as may be prescribed.]

#### Textual Amendments

**F70** Sch. 2 paras. 10, 10A, 10B, 11 substituted (16.2.2001) for Sch. 2 paras. 10, 11 by 2000 c. 2, s. 9; S.I. 2001/116, art. 2(1) (with art. 2(3)(4))

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

**C203** Sch. 2 para. 10A extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act (c. 3, SIF 42) (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(6); S.I. 2001/116, art. 2(1) (2) (with art. 2(3)-(5)))

VALID FROM 16/02/2001

[<sup>F71</sup>10B(1) Provisions authorising or requiring a registration officer—

- (a) to supply to such persons as may be prescribed copies of the full register and other documents, or prescribed parts of them, whether free of charge or on payment of a prescribed fee;
- (b) to supply to any persons copies of the edited register, or any prescribed part of it, on payment of a prescribed fee.

(2) Provisions specifying, in relation to any description of persons prescribed by regulations made in pursuance of sub-paragraph (1)(a) above, the purposes for which copies supplied to such persons under such regulations, or information contained in them, may be used whether by such persons or by employees or other persons authorised by them in accordance with regulations to have access to such copies or information contained in them.

(3) Without prejudice to the generality of sub-paragraph (1) above or paragraph 11A below, regulations made in pursuance of sub-paragraph (1) may contain any such provisions as are authorised by paragraph 11A.]

#### Textual Amendments

**F71** Sch. 2 paras. 10, 10A, 10B, 11 substituted (16.2.2001) for Sch. 2 paras. 10, 11 by 2000 c. 2, s. 9; S.I. 2001/116, art. 2(1) (with art. 2(3)(4))

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

**C204** Sch. 2 para. 10A extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act (c. 3, SIF 42) (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)(4)))

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- 11 Provisions authorising or requiring the registration officer to supply to such persons as may be prescribed copies of the electors lists, register and other documents or prescribed parts of them, whether free of charge or on payment of a prescribed fee.

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

**C205** Sch. 2 para. 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 (29.1.2001 for certain purposes and otherwise *prosp.*) by 2000 c. 2, s. 8, **Sch. 3 para. 3(6)**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**))

- [<sup>F72</sup>11A(1) Provisions authorising or requiring registration officers who are data users to supply data, or documents containing information extracted from data and in such form as may be prescribed, to such persons as may be prescribed on payment of a prescribed fee.

(2) In this paragraph “data user” and “data” have the same meanings as in section 1 of the Data Protection Act 1984.]

**Subordinate Legislation Made**

**P1** Sch. 2 para. 11A: s. 53 (with s. 201(1), Sch. 1 rule 37(1F) and Sch. 2 para. 11A) power exercised (N.I.) by S.I.1991/1674.  
**P2** Sch. 2 para. 11A: for previous exercises of this power, see Index of Government Orders.

**Textual Amendments**

**F72** Sch. 2 para. 11A inserted by [Representation of the People Act 1985](#) (c. 50, SIF 42), s. 24, **Sch. 4 para. 87(c)**

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

**C206** Sch. 2 para. 11A extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989](#) (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**

- 12 Provisions as to the proceedings in connection with the issue and receipt of ballot papers for voting by post (including provisions as to the persons who are to be entitled or may be allowed to attend and the rights and obligations of persons attending), and provisions as to the steps to be taken to ensure the secrecy of the voting and the safe custody (before and after the count) of the ballot papers returned and other documents.

VALID FROM 17/02/2007

- [<sup>F73</sup>12A Regulations under section 53 making provision as mentioned in paragraph 12 in relation to a local government election in Scotland may also make provision authorising the cancellation or removal of ballot papers at such an election in any prescribed circumstances;]



*Status: Point in time view as at 06/08/1991.*

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#### Textual Amendments

**F73** Sch. 2 para. 12A inserted (S.) (17.2.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 34(4), 63; S.S.I. 2007/26, art. 3(1)(h) (with art. 3(2))

- 13 (1) Provisions imposing pecuniary [<sup>F74</sup>penalties (not exceeding level 3 on the standard scale for any offence)] on persons summarily convicted—
- (a) of having failed to comply with, or given false information in pursuance of, any such requisition of the registration officer as is mentioned in paragraph 1 or paragraph 2 above.
  - (b) of having, without lawful authority, destroyed, mutilated, defaced or removed any notice published by the registration officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of those duties.
- (2) Any other provisions incidental or supplemental to those mentioned in the foregoing paragraphs of this Schedule.

#### Textual Amendments

**F74** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 23, Sch. 3 para. 11

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

**C207** Sch. 2 para. 13 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I

VALID FROM 30/11/2000

## [<sup>F75</sup>SCHEDULE 2A

### CONTROL OF DONATIONS TO CANDIDATES

#### Textual Amendments

**F75** Schedule 2A inserted (30.11.2000 for certain purposes and otherwise 1.7.2001) by 2000 c. 41, ss. 130(3), 163(3)(d), Sch. 16 (with ss. 130(4), 156(6)); S.I. 2001/222, art. 4, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

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

**C208** Sch. 2A 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)

**C209** Sch. 2A: power to amend or modify conferred (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 15(1)-(3), 31

**C210** Sch. 2A modified (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 11(5), 31

*Status: Point in time view as at 06/08/1991.*

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SCHEDULE 3

Sections 81 and 82.

RETURN AND DECLARATIONS AS TO ELECTION EXPENSES

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

- C212** Sch. 3 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
     Sch. 3 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
     Sch. 3 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**)
- C213** Sch. 3 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**

F76

RETURN AND DECLARATIONS AS TO ELECTION EXPENSES

FORM OF RETURN

Election in the.....  
constituency (for a local government election substitute county of  
district of , or as the case may be)

Date of publication of notice of election.....

Name of candidate.....

1. I am the election agent of the person named above as a candidate  
at this election [am the person named above as a candidate at this  
election and was my own election agent].

(Where there has been a change of election agent suitable variations  
may be introduced here and elsewhere in the return.)

2. I hereby make the following return of the candidate's [my]  
election expenses at this election.

Receipts

(Include all money, securities or equivalent of money received in respect of  
expenses incurred on account of or in connection with or incidental to  
the above election).

Received of the above-named candidate (or, if the candidate  
is his own election agent, paid by me) ... .. £

Received of (set out separately the name and description of  
each person, club, society or association and the amount  
received from him or them) ... .. £

Status: Point in time view as at 06/08/1991.

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**Expenditure**

NOTE.—The return shall deal under a separate heading or sub-heading with any expenses included in it as respects which a return is required to be made by section 75 of this Act.

Candidate's personal expenses—  
paid by him [by me as candidate] ... .. £  
paid by me [by me acting as my election agent] ... .. £  
Received by me for my services as election agent (omit if candidate is his own election agent) ... .. £  
Paid to \* as sub-agent of the polling district of ... .. £  
Paid to \*† as polling agent ... .. £  
Paid to \*§ as clerk [messenger] for ... days services ... .. £  
Paid to the following persons in respect of goods supplied or work and labour done—  
to \*§ (set out the nature of the goods supplied or work and labour done thus ... .. £  
[printing], [advertising], [stationery]) ... .. £  
Paid to \*§ as a speaker at a public meeting at on ... .. £  
19 , as remuneration [expenses] ... .. £  
Paid for the hire of rooms—  
for holding public meetings—  
paid to \*§ for hire of (identify the rooms by naming or describing them) ... .. £  
for committee rooms—  
paid to \*§ for hire of (identify the rooms by naming or describing them) ... .. £  
Paid for postage ... .. £  
Paid for telegrams (or any similar means of communication) ... .. £  
Paid for miscellaneous matters—  
to \*§ (set out the reason for the payment) ... .. £  
In addition to the above I am aware (unless the candidate is his own election agent add as election agent for the above-named candidate) of the following disputed and unpaid claims—  
Disputed claims—  
by ‡ for (set out the goods, work and labour, or other matter on the ground of which the claim is based) ... .. £  
Unpaid claims allowed by the court to be paid after the proper time or in respect of which application has been or is about to be made to the court (state in each case whether the High Court or some other court)—  
by ‡ for (set out the goods, work and labour, or other matter on the ground of which the claim is due) ... .. £  
Signature of person making return.....

\* Set out separately the name and description of each person with the amount paid to him.  
† These particulars may be set out in a separate list annexed to and referred to in the account thus "paid to (polling agent) as per annexed list £.....".  
‡ Set out separately the name and description of each person with the amount paid to or claimed by him.  
§ These particulars may be set out in a separate list annexed to and referred to in the account.

**FORM OF DECLARATIONS**

Election in the .....  
constituency (for a local government election substitute county of ..... district of ..... or as the case may be).  
Date of publication of notice of election .....  
Name of candidate .....

I solemnly and sincerely declare as follows:—

1. I am the person named above as a candidate at this election [and was my own election agent] or was at this election the election agent of the person named above as a candidate.

2. I have examined the return of election expenses [about to be] transmitted by my election agent [by me] to the returning officer, (at a local government election, substitute appropriate officer) of which a copy is now shown to me and marked ..... and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent [by me], except as otherwise stated in relation to my [the candidate's] personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant .....

Signed and declared by the above named declarant on the day of ..... before me,  
(Signed) .....

Justice of the Peace (or as the case may be) for .....

(NOTE.—Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.)

**Textual Amendments**

- F76** Sch. 3 Form of Return “County Borough of ...” inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(19)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 32(2)); S.I. 1995/546, art. 3, **Sch. 3** Form of Return “local government area of...” inserted (1.4.1996 by S.I. 1996/739, art. 7(1), **Sch. 1 Pt. I para. 5(6)(a)**
- Sch. 3 Form of Return omitted (1.7.2001) by 2000 c. 41, ss. 138(1)(2), **Sch. 18 para. 16(a)**; S.I. 2001/222 art. 4, Sch. 2 Pt. I (subject to Sch. 2 Pt. II para. 2)
- Sch. 3 Form of Declaration “local government area of ...” inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(19)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch. 3** Form of Declaration “local government area of...” inserted (1.4.1996) by S.I. 1996/739, art. 7(1), **Sch. 1 Pt. I para. 5(6)(b)**

*Status: Point in time view as at 06/08/1991.*

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Sch. 3 Form of Declaration para. 3 words “in relation to my {the candidate's} personal expenses” omitted (1.7.2001) by virtue of 2000 c. 41, s. 138(1), **Sch. 18 para. 16(b)** (with ss. 138(2), 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to Sch. 2 Pt. II para. 2)

Sch. 3 Form of Declaration para. 4 omitted (1.7.2001) by virtue of 2000 c. 41, s. 138(1), **Sch. 18 para. 16(b)** (with ss. 138(2), 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to Sch. 2 Pt. II para. 2)

## SCHEDULE 4

Sections 90 and 197.

### ELECTION EXPENSES AT CERTAIN LOCAL ELECTIONS IN ENGLAND AND WALES

- 1 (1) Any claim against any person in respect of any election expenses incurred by or on behalf of a candidate which is not sent in within 14 days after the day of election shall be barred and not paid, and all election expenses incurred as mentioned above shall be paid within 21 days after the day of election and not otherwise.
- (2) If any person makes a payment in contravention of this paragraph he shall be guilty of an illegal practice, but a candidate shall not be liable, nor shall his election be avoided, for any illegal practice committed under this subparagraph without his consent or connivance.
- 2 Every agent of a candidate at the election shall, within 23 days after the day of election, make a true return to the candidate in writing of all election expenses incurred by the agent and if he fails so to do he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 3 Within 28 days after the day of election every candidate shall [<sup>F77</sup>deliver] to the proper officer of the authority for which the election is held a return of all election expenses incurred by the candidate or his agents vouched (except in the case of sums under [<sup>F78</sup>£10]) by bills stating the particulars and receipts and accompanied by a declaration by the candidate as to election expenses.

#### Textual Amendments

**F77** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 89(a)**

**F78** “£10” substituted for “£1” by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 14(6)

- 4 (1) After the expiry of the time for making the return and declaration, the candidate, if elected, shall not, until he has made the return and declaration or until the date of the allowance of any authorised excuse under paragraph 7 below, sit or vote in the council and if he does so—
  - (a) he shall forfeit £50 for every day on which he so sits or votes; or
  - (b) instead of civil proceedings for a penalty, proceedings may be instituted in a magistrates’ court, and he shall be liable on conviction to a fine of an amount not exceeding the amount of the penalty which would be recoverable in civil proceedings.

*Status: Point in time view as at 06/08/1991.*

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- [<sup>F79</sup>(2) Civil proceedings for a penalty under this paragraph shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.
- (3) For the purposes of sub-paragraph (2) above] the issue of a writ or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as mentioned above the service or execution of the same on or against the alleged offender, and not its issue, shall be deemed to be the commencement of the proceeding.

#### Textual Amendments

**F79** Sch. 4 para. 4(2)(3) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 89(b)

- 5 If the candidate fails to make that return and declaration he shall be guilty of an illegal practice, and, if he knowingly makes that declaration falsely, he shall be guilty of a corrupt practice.
- 6 The High Court, an election court or the county court may, on application either of the candidate or a creditor, allow any claim to be sent in and any expense to be paid after the time limited by this Schedule, and a return of any sum so paid shall forthwith after payment be sent to the proper officer of the authority.
- 7 (1) If the candidate applies to the High Court, an election court or the county court and shows that the failure to make that return and declaration or either of them or any error or false statement in them has arisen by reason of—
- (a) his illness or absence, or
  - (b) the absence, death, illness or misconduct of any agent, clerk or officer, or
  - (c) inadvertence or any reasonable cause of a like nature,
- and not by reason of any want of good faith on the applicant's part, the court may—
- (i) after such notice of the application as it considers fit, and
  - (ii) on production of such evidence of the grounds stated in the application, and of the applicant's good faith, and otherwise, as it considers fit,
- make such order allowing the authorised excuse for the failure, error or false statement as it considers just.
- (2) The order may make the allowance conditional upon compliance with such terms as to the court seem best calculated for carrying into effect the objects of this Schedule, and the order shall relieve the applicant from any liability or consequence under this Act in respect of the matters excused by the order.
- (3) The date of the order, or, if conditions and terms are to be complied with, the date on which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.
- 8 (1) The return and declaration shall be kept at the office of the proper officer of the authority and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on payment of the prescribed fee and the proper officer shall, on demand, provide copies of them, or of any part of them, at the prescribed price.

*Status: Point in time view as at 06/08/1991.*

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- (2) After the expiry of twelve months the proper officer of the authority may cause the return and declaration to be destroyed or, if the candidate so requires, shall return them to him.
- 9 For the purposes of this Schedule—
- (a) the jurisdiction vested by paragraph 7 in a county court may be exercised otherwise than in open court; and
  - (b) an appeal lies to the High Court from any order of a county court made by virtue of that paragraph.

VALID FROM 11/09/2006

[<sup>F80</sup>SCHEDULE 4A

Section 90ZA

ELECTION EXPENSES

**Textual Amendments**

**F80** Sch. 4A inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 27(5), 77**; [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 5](#) (subject to transitional provisions in [art. 4](#), [Sch. 2](#))

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

**C214** Sch. 4A applied (with modifications) (7.2.2007) by [S.I. 2001/2599](#), **art. 3**, [Sch. 1](#) (as amended by [The Northern Ireland Assembly \(Elections\) \(Amendment\) Order 2007 \(S.I. 2007/308\)](#), **art. 2(3)**) and as substituted (10.2.2009) by [S.I. 2009/256](#), **arts. 1(2), 3**, **Sch. 1**)

VALID FROM 28/09/2021

[<sup>F81</sup>SCHEDULE 4B

SCOTTISH LOCAL GOVERNMENT ELECTIONS: ELECTION EXPENSES

**Textual Amendments**

**F81** Sch. 4B inserted (S.) (prosp.) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 17(4), 63**, **Sch. 1**

*Status: Point in time view as at 06/08/1991.*

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## SCHEDULE 5

### USE FOR PARLIAMENTARY ELECTION MEETINGS OF ROOMS IN SCHOOL PREMISES AND OF MEETING ROOMS

- 1 (1) Any arrangements for the use of a room in school premises shall be made with the local education authority maintaining the school [<sup>F82</sup>or, in the case of a room in the premises of a grant-maintained school, with the governing body of the school].
- (2) Any question as to the rooms in the school premises which a candidate in any constituency is entitled to use, or as to the times at which he is entitled to use them, or as to the notice which is reasonable, shall be determined by the Secretary of State.

#### Textual Amendments

**F82** Words inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 12 Pt. I para. 32](#)

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

**C215** [Sch. 5 para. 1](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

- 2 (1) Every local education authority shall prepare and revise for their area lists of the rooms in school premises which candidates in any constituency are entitled to use.
- (2) The list shall include the rooms in premises outside, as well as those in premises in, the constituency.
- 3 (1) Every district in the London borough council shall prepare and revise for their area lists of the meeting rooms which candidates in any constituency are entitled to use.
- (2) The list shall indicate the person to whom applications for the use of the room are to be made in each case.
- (3) The list shall not include any room if the person maintaining it disputes the right of candidates in the constituency to use it.
- 4 The lists of rooms in school premises and of meeting rooms prepared for each constituency shall be kept by the registration officer, and those lists and particulars of any change made on their revision shall (where necessary) be forwarded to him accordingly.
- 5 In the event of a dissolution, or of a vacancy occurring in the seat for the constituency, any person stating himself to be, or to be authorised by, a candidate or his election agent shall be entitled at all reasonable hours to inspect those lists or a copy of them.

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

**C216** [Sch. 5 para. 5](#) applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. I](#)

- 6 In the application of this Schedule to Scotland—

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- (a) for any reference to a local education authority substitute a reference to an education authority;
- [<sup>F83</sup>(aa) for any reference to a grant maintained school and its governing body substitute a reference to a self-governing school and its board of management (within the meaning of the Education (Scotland) Act 1980);]
- (b) subparagraph (1) of paragraph 2, subparagraph (1) of paragraph 3 and paragraph 4 do not apply, and it is the duty of the proper officer of the council of every islands area and district to prepare and keep for each constituency wholly situated in the area of the council and for each part so situated of any other constituency—
  - (i) a list of rooms in school premises, and
  - (ii) a list of meeting rooms,
 which candidates in the constituency are entitled to use.

#### Textual Amendments

**F83** Sch. 5 para. 6(aa) inserted (S.) by Self-Governing Schools etc. (Scotland) Act 1989 (c. 39, SIF 41:2), s. 82(1), **Sch. 10 para. 9**

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

**C217** Sch. 5 para. 6 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

## SCHEDULE 6

Section 191(2).

### WARD ELECTIONS IN THE CITY

- 1 Without prejudice to the application of any provision of this Act to elections in the City by virtue of sections 191 to 196 of this Act, this Schedule has effect as regards the operation of Part II of the <sup>M8</sup>City of London (Various Powers) Act 1957 (referred to in this Schedule as “the City Act”).

#### Marginal Citations

**M8** 1957 c. x.

- 2 Notwithstanding anything in section 6(1) of the City Act—
- (a) a person qualified (age apart) to vote as an elector at a ward election shall be entitled to do so if he is of the age of 18 years or over on the date of the poll, except that,
  - (b) a person registered in the ward list to be used at a ward election shall not be entitled to vote as an elector at the election if his entry in the ward list gives a date later than the date of the poll as the date on which he will attain the age of 18 years.
- 3 Ward lists and provisional ward lists shall give for any elector the date on which it appears to the town clerk of the City that the elector will attain the age of 18 years,



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- if that date is after the 16th November in the year in which the ward lists are to be published.
- 4 Claims and objections asking for the omission, insertion or alteration of a date in a ward list as that on which an elector will attain that age may be made as in the case of claims and objections relating to the inclusion of a person's name in the list, and sections 7(4) and 9 of the City Act shall with any necessary modifications apply accordingly.
- 5 Any power under this Act to prescribe the form of service declaration may be exercised so as to take account of the difference between the qualifying date under this Act and the qualifying date under the City Act.
- 6 Nothing in this Act affects the operation of subsections (3) and (4) and paragraph (a) of subsection (5) of section 5 of the Representation of the <sup>M9</sup>People Act 1949 (which contain provisions relating to the yearly value of lands and premises and to cases of their joint occupation) in relation to their application by section 4(2) of the City Act.

**Marginal Citations**

**M9** 1949 c. 68.

SCHEDULE 7

Section 206.

TRANSITIONAL AND SAVING PROVISIONS, AND INTERPRETATION OF OTHER ACTS

**PART I**

TRANSITIONAL AND SAVING PROVISIONS

*General*

- 1 Where a period of time specified in an enactment repealed by this Act is current at its commencement, this Act has effect as if the provision corresponding to that enactment had been in force when that period began to run.
- 2 The imposition or subsistence of an incapacity is not affected by the repeal by this Act of any enactment, and any such incapacity shall for the purposes of this Act be treated as having been imposed under the corresponding provision of this Act.

<sup>M10</sup>*Electoral Law Act (Northern Ireland) 1962*

**Marginal Citations**

**M10** 1962 c. 14 (N.I.).

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**Textual Amendments**

**F84** Sch. 7 paras. 3, 6 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

*<sup>M11</sup>Licensing Act 1964*

**Marginal Citations**

**M11** 1964 c. 26.

- 4 Notwithstanding the repeal by this Act of section 24(2) of the Representation of the <sup>M12</sup>People Act 1969, the amendments by that section 24(2) of the Licensing Act 1964 continue to have the same effect as they had immediately before the coming into force of this Act.

**Marginal Citations**

**M12** 1969 c. 15.

*<sup>M13</sup>Northern Ireland Constitution Act 1973*

**Marginal Citations**

**M13** 1973 c. 36.

- 5 So far as sections 8(4) and 26 of this Act reproduce any provision derived from the exercise of the power under section 38 of the Northern Ireland Constitution Act 1973 to make an Order in Council that provision has effect as if it were contained in an Order in Council so made.

*Variation of limits of candidates' election expenses*

**F85**<sup>6</sup> .....

**Textual Amendments**

**F85** Sch. 7 paras. 3, 6 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt. XI**

*Section 254 of the <sup>M14</sup>Local Government Act 1972*

**Marginal Citations**

**M14** 1972 c. 70.

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- 7 Any power exercisable under section 254 of the Local Government Act 1972 (consequential and supplementary provision) in relation to a provision of that Act repealed and reenacted by this Act is exercisable in relation to that provision as so reenacted to the extent that it would have been exercisable immediately before such repeal.

*M15 Criminal Justice Act 1982*

**Marginal Citations**

**M15** 1982 c. 48.

F86g .....

**Textual Amendments**

**F86** Sch. 7 paras. 8, 9 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 90(b), Sch. 5

*M16 Mental Health (Amendment) Act 1982*

**Marginal Citations**

**M16** 1982 c. 51.

F87g .....

**Textual Amendments**

**F87** Sch. 7 paras. 8, 9 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 90(b), Sch. 5

**PART II**

INTERPRETATION OF OTHER ACTS

*Register, electors, etc.*

- 10 (1) A reference in any Act (whenever passed) to—
- (a) the register of parliamentary and local government electors, or
  - (b) the register of parliamentary electors, or
  - (c) the register of local government electors, or
  - (d) the electors lists for such a register,
- shall be taken as a reference to—
- (i) the register kept under this Act, or
  - (ii) that register so far as it relates to parliamentary electors, or

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(iii) that register so far as it relates to local government electors, or  
 (iv) the electors lists for such a register,  
 as the case may be, and references in any Act to a parliamentary or local government elector shall be construed accordingly.

- (2) In relation to a person shown in a register or electors list as attaining voting age on a specified date the references in subparagraph (1) above do not apply except for the purposes of an election at which the day fixed for the poll falls on or after that date.

*Registration and returning officers*

- 11 A reference in any Act (whenever passed) to—  
 (a) the registration officer for the registration of parliamentary or local government electors, or  
 (b) the returning officer for a parliamentary election or constituency,  
 shall be taken respectively as a reference to the registration officer or returning officer appointed under this Act.

*Registration expenses*

- 12 A reference in any Act (whenever passed) to registration expenses in connection with the registration of parliamentary or local government electors shall be taken as a reference to registration expenses under this Act.

*Supplemental*

- 13 (1) Subject to this paragraph, the provisions of paragraphs 10 to 12 of this Schedule apply to a reference—  
 (a) to any of the matters mentioned in those provisions, whatever the terms used in that reference; and  
 (b) to any other matter which was to be construed as a reference to any of those matters by virtue of an enactment repealed by the Representation of the <sup>M17</sup>People Act 1948.
- (2) Those provisions so far as they relate to this Act or any other Act passed after that Act of 1948 do not apply where the context otherwise requires.
- (3) Those provisions so far as they relate to Acts passed before that Act of 1948 may be excluded in whole or in part by an order of the Secretary of State in any particular case where they appear to him to be inappropriate.
- (4) That order may make such change in the law which this Act reproduces from the Representation of the <sup>M18</sup>People Act 1949 as might have been made before its commencement under paragraph 8(1)(c) of Part I of Schedule 10 to that Act of 1948.
- (5) The provisions of paragraphs 10 to 12 may be supplemented by an order made by the Secretary of State in relation to an Act passed previous to the Representation of the <sup>M19</sup>People Act 1948—  
 (a) where, in any particular case, such an order appears to him necessary for harmonising the previous Act with the provisions of this Act; and

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- (b) to the extent that the provisions of this Act reenact such provisions of the Representation of the People Act 1949 as re-enacted provisions of that Act of 1948.
- (6) A power conferred by this paragraph to make an order shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment by resolution of either House of Parliament.
- (7) Nothing in paragraphs 10 to 12 shall be taken to prejudice the operation in relation to this Act of any provision of the <sup>M20</sup>Interpretation Act 1978 as to repeals.

**Marginal Citations**

**M17** 1948 c. 65.

**M18** 1949 c. 68.

**M19** 1948 c. 65.

**M20** 1978 c. 30.

SCHEDULE 8

Section 206.

CONSEQUENTIAL AMENDMENTS ACTS

<sup>M21</sup>*Public Meeting Act 1908*

**Marginal Citations**

**M21** 1908, 8 Edw. 7 c. 66.

- 1 After subsection (3) of section 1 of the Public Meeting Act 1908 insert the following subsection—

“(4) This section does not apply as respects meetings to which section 97 of the Representation of the People Act 1983 applies.”

<sup>M22</sup>*City of London (Various Powers) Act 1957*

**Marginal Citations**

**M22** 1957, 5 & 6 Eliz. 2 c. x.

- 2 In section 4 of the City of London (Various Powers) Act 1957—
- (a) in subsection (1) for “”Act of 1949”” substitute “”Act of 1983 ””, and for “Representation of the People Act 1949” substitute “Representation of the People Act 1983 ””;
- (b) in subsection (1), for “set out in the Second Schedule to the Act of 1949” substitute “ made by the Secretary of State under section 36 of the Act of 1983 ”;

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(c) in subsection (2), for “Act of 1949” substitute “ Representation of the People Act 1949 ”.

3 In section 8 of the <sup>M23</sup>City of London (Various Powers) Act 1957—

(a) in subsection (1)—

(i) for “Act of 1949” substitute “ Act of 1983 ” and for “section 167” substitute “ sections 191 to 196 ”;

(ii) for the words after “apply to and in respect of ward elections” to the end substitute the words—

“section 3 (disfranchisement of offenders in prison, etc.);

section 6 (residence: merchant seaman);

sections 14(1) and 15 to 17 (service qualifications and declarations for registration);

<sup>F88</sup> .....

section 46 (further provision as to local election voting);

section 59 (supplemental provisions as to members of forces and service voters).”

<sup>F89</sup>(b) .....

(e) in subsection (4), for “Act of 1949” substitute “ Act of 1983 ” and for “rule 21 of the local elections rules” substitute “ rule 20 of the <sup>M24</sup>Local Elections (Principal Areas) Rules 1973 ”;

(e) in subsection (5), for “Act of 1949” substitute “ Act of 1983 ”.

#### Textual Amendments

**F88** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, **Sch. 5**

**F89** [Sch. 8 para. 3\(b\)\(c\)](#) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, **Sch. 5**

#### Marginal Citations

**M23** 1957, 5 & 6 Eliz. 2 c.x.

**M24** [S.I. 1973/79](#).

4 In section 9(4) of the City of London (Various Powers) Act 1957 for “Act of 1949” substitute “ Act of 1983 ”.

<sup>M25</sup>City of London (Various Powers) Act 1960

#### Marginal Citations

**M25** 1960, 8 & 9 Eliz. 2 c. xxxvi.

5 In section 39 of the City of London (Various Powers) Act 1960—

(a) in paragraph (b) of subsection (1), for “Representation of the <sup>M26</sup>People Act 1949” substitute “ Representation of the People Act 1983 ”;

(b) in subsection (2), for “Act of 1949” substitute “ Act of 1983 ”.

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**Marginal Citations**

**M26** 1949 c. 68

*M27* London Government Act 1963

**Marginal Citations**

**M27** 1963 c. 33.

- 6 In Schedule 3 to the London Government Act 1963—
- (b) in paragraph 22 of Part II, for “Representation of the People Act 1949” substitute “Representation of the People Act 1983 ”;
  - (b) in paragraph 23 of Part II, for “said Acts of 1949” substitute “Representation of the People Act 1983 ”.

*M28* Licensing Act 1964

**Marginal Citations**

**M28** 1964 c. 26.

- 7 In section 12(2) of the Licensing Act 1964 for “section 146(6) of the Representation of the <sup>M29</sup>People Act 1949” substitute “ section 168(7) of the Representation of the People Act 1983 ”.

**Marginal Citations**

**M29** 1949 c. 68.

- 8 In section 67(5) of the Licensing Act 1964 for “Representation of the People Act 1949” substitute “ Representation of the People Act 1983 ”, and—
- (a) in paragraph (a) of that subsection, for “section 47, section 48” substitute “ section 60, section 61 ”, and for “section 52” substitute “ section 65 ”;
  - (b) in paragraph (b) of that subsection, for “section 53” substitute “ section 66 ”;
  - (c) in paragraph (c) of that subsection, for “sections 99 to 101” substitute “ sections 113 to 115 ”;
  - (d) in paragraph (d) of that subsection, for “sections 146 to 148 and 151” substitute “ sections 168 to 170 and 173 ”;
  - (e) in paragraph (i) of that subsection, for “section 53” substitute “ section 66 ”; and
  - (f) in paragraph (ii) of that subsection, for “section 99” substitute “ section 113 ”.

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- 9 In section 67(6) of the Licensing Act 1964—
- (a) for “sections 147 and 151 of the Representation of the People Act 1949” substitute “ sections 169 and 173 of the Representation of the People Act 1983 ” and
  - (b) for “section 151” substitute “ section 173 ”.
- 10 In Schedule 8 to the Licensing Act 1964—
- (a) In paragraph 1, for “section 42 of the <sup>M30</sup>Local Government Act 1972” substitute “ section 36 of the Representation of the People Act 1983 ”;
  - (b) in paragraph 5
    - (i) for “section 42 of the Representation of the People Act 1949” substitute “ section 53 of the Representation of the People Act 1983 ”;
    - (ii) for “section 53(4) of the Representation of the People Act 1949” substitute “ section 66(4) of the Representation of the People Act 1983 ”.

**Marginal Citations**

**M30** 1972 c. 70.

*<sup>M31</sup>Post Office Act 1969*

**Marginal Citations**

**M31** 1969 c. 48.

- 11 In section 72(1) of the Post Office Act 1969 for “Representation of the People Act 1949” substitute “Representation of the People Act 1983”.

*Local Government Act 1972*

- 12 In the following provisions of the Local Government Act 1972 for “Representation of the People Act 1949” substitute “ Representation of the People Act 1983 ”— sections 6(1), 9(5), 11(3)(b), 16(2), 25(1), 28(2), 29(3)(b), 35(1), 80(1)(e), 86(b) and Schedule 2, paragraph 6(1).
- 13 In section 89(6) of the <sup>M32</sup>Local Government Act 1972 for “section 42 above” substitute “ section 36 of the Representation of the People Act 1983 ”.

**Marginal Citations**

**M32** 1972 c. 70.

- 14 In paragraphs 18(5) and 34(5) of Schedule 12 to the Local Government Act 1972 for “section 42 above and of the enactments mentioned in section 165(1) of the Representation of the <sup>M33</sup>People Act 1949” substitute “ section 36 of



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the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act ”.

**Marginal Citations**

**M33** 1949 c. 68.

*M34* Local Government (Scotland) Act 1973

**Marginal Citations**

**M34** 1973 c. 65.

- 15 In the Local Government (Scotland) Act 1973—
- (a) in section 4(1), for “Act of 1949” substitute “ Representation of the People Act 1983 ”;
  - (b) in paragraph (d) of section 31(1), for “Representation of the People Act 1949” substitute “ Representation of the People Act 1983 ”.

<sup>F90</sup>16 .....

**Textual Amendments**

**F90** Sch. 8 para. 16 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. XI

*M35* Juries Act 1974

**Marginal Citations**

**M35** 1974 c. 23.

- 17 In section 3(1) of the Juries Act 1974, for “Representation of the People Act 1949” substitute “ Representation of the People Act 1983 ”.

*M36* House of Commons Disqualification Act 1975

**Marginal Citations**

**M36** 1975 c. 24.

- 18 In section 6(3) of the House of Commons Disqualification Act 1975, for “section 124(5) of the Representation of the People Act 1949” substitute “ section 144(7) of the Representation of the People Act 1983 ”.

- 19 For section 10 of the House of Commons Disqualification Act 1975 substitute—

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**“10 Saving as to disqualification of priests in holy orders etc.**

Nothing in this Act shall be construed as affecting the enactments relating to the disqualification for membership of the House of Commons of priests in holy orders or ministers of any religious denomination.”

- 20 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975—
- (a) for the reference to “Registration Officer appointed under Part III of the Local Government Act 1972” substitute “Registration Officer appointed under section 8(2) of the Representation of the People Act 1983”;
  - (b) for the reference to “Returning Officer under section 17(2) of the Representation of the People Act 1949 and any Deputy Returning Officer appointed by him” substitute “Returning Officer under section 25(1) of the Representation of the People Act 1983 and any Deputy Returning Officer appointed by him.”

**Marginal Citations**

M37 1949 c. 68.

*[<sup>F91M38</sup>European Parliamentary] Elections Act 1978*

**Textual Amendments**

F91 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)

**Marginal Citations**

M38 1978 c. 10.

- 21 In section 4(2) of the [<sup>F92</sup>European Parliamentary] Elections Act 1978—
- (a) for “Representation of the People Act 1949” substitute “Representation of the People Act 1983”;
  - (b) for “section 48(2)” substitute “section 61(2)”;
  - (c) for “section 48(7)” substitute “section 61(7)”;
  - (d) for “section 155” substitute “section 178”.

**Textual Amendments**

F92 Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)

- 22 In paragraph (b) of section 7(2) of the [<sup>F93</sup>European Parliamentary] Elections Act 1978 for “section 43(2) of the Representation of the People Act 1949” substitute “section 54(2) of the Representation of the People Act 1983”.

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#### Textual Amendments

- F93** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

- 23 In paragraph 4(2) of Schedule 1 to the [<sup>F94</sup>European Parliamentary] Elections Act 1978, for “section 6 of the <sup>M39</sup>Local Government (Scotland) Act 1973” substitute “section 41 of the Representation of the People Act 1983”.

#### Textual Amendments

- F94** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

#### Marginal Citations

- M39** 1973 c. 65.

#### <sup>M40</sup>Judicature (Northern Ireland) Act 1978

#### Marginal Citations

- M40** 1978 c. 23.

- 24 In paragraph (h) of section 35(2) of the Judicature (Northern Ireland) Act 1978, for “sections 107 to 136 of the Representation of the People Act 1949” substitute “sections 120 to 156 of the Representation of the People Act 1983”.
- 25 In section 108(1) of the Judicature (Northern Ireland) Act 1978 for “section 110 of the Representation of the People Act 1949” substitute “section 123 of the Representation of the People Act 1983”.

#### <sup>M41</sup>Supreme Court Act 1981

#### Marginal Citations

- M41** 1981 c. 54.

- 26 In section 142(1) of the Supreme Court Act 1981, for “Representation of the People Act 1949” substitute “Representation of the People Act 1983”.

#### <sup>M42</sup>Mental Health (Amendment) Act 1982

#### Marginal Citations

- M42** 1982 c. 51.

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<sup>F95</sup>27 .....  
 Order

**Textual Amendments**  
**F95** Sch. 8 para. 27 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XIII

<sup>M43</sup>Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

**Marginal Citations**  
**M43** S.I. 1981/228 (N.I. 8).

28 In Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, in paragraph 5 of Part II, for “Representation of the People Act 1949” substitute “ Representation of the People Act 1983 ”.

SCHEDULE 9

Section 206.

REPEALS AND REVOCATIONS

PART I

REPEALS OF OBSOLETE PROVISIONS

Chapter	Short title	Extent of repeal
7 & 8 Geo. 5. c. 64.	The Representation of the People Act 1918.	Sections 19 and 43.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	In paragraph (b) of section 45(11), from the beginning to the words “appeals thereunder, and”. In section 111(2)— (a) paragraph (a); (b) in paragraph (b), the words “whose clerk is registration officer”. In section 116(2), the word “gaolers”. Section 132. In section 161(2), the words “a simple contract debt”.

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		In section 163, in the definition of “public office”, the word “municipal” where it first occurs and the word “bailie”.
		In section 168(2), the words “where the poll is taken by means of voting papers”.
		Section 170.
		In section 174(1), paragraphs (b) and (c).
		In Schedule 2—
		(a) in Part II, rule 4(3);
		(b) in Part IV, in rule 53(2), the words “double return and any”.
		In paragraph 1(1) of Schedule 8, the words “and local government electors registered under this Act” to the end.
1968 c. xxxvii.	The City of London (Various Powers) Act 1968.	In section 3—
		(a) in subsection (3), the entry relating to the Representation of the People Act 1949;
		(b) subsection (4).
		Section 4.
1969 c. 39.	The Age of Majority (Scotland) Act 1969.	In paragraph 2 of Schedule 2, the words “The Representation of the People Acts (and any regulations, rules or other instruments thereunder) and”.
1969 c. 46.	The Family Law Reform Act 1969.	In paragraph 2 of Schedule 2, the words “The Representation of the People Acts (and any regulations, rules or other instruments thereunder)” and the words “and any statutory provision” to the end.
1973 c. xx.	The City of London (Various Powers) Act 1973.	Section 9.

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1973 c. 65.	The Local Government (Scotland) Act 1973.	In section 11—  (a) subsection (2); (b) in subsection (3), the words “Representation of the People Acts and other” and “and local government”; (c) subsection (4).  In Schedule 2, paragraph 2(4), (5).
1979 c. 40.	The Representation of the People Act 1979.	The whole Act.

## PART II

### CONSEQUENTIAL REPEALS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6 c. 68.	The Representation of the People Act 1949.	The whole Act, so far as unrepealed.
12, 13 & 14 Geo. 6 c. 86.	The Electoral Registers Act 1949.	The whole Act.
2 & 3 Eliz. 2 c. 8.	The Electoral Registers Act 1953.	The whole Act.
6 & 7 Eliz. 2 c. 55.	The Local Government Act 1958.	In Schedule 8, paragraph 31(2) to (4).
6 & 7 Eliz. 2 c. 64.	The Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	In Part I of Schedule 4, paragraph 16(2).
1961 c. xxviii.	The City of London (Various Powers) Act 1961.	Section 44.
1963 c. 33.	The London Government Act 1963.	In Schedule 3—  (a) in Part I, paragraph 16; (b) in Part III, paragraphs 27, 31 to 33 and 35.
1964 c. 31.	The Elections (Welsh Forms) Act 1964.	The whole Act.
1968 c. 64.	The Civil Evidence Act 1968.	In the Schedule, the entry relating to the Representation of the People Act 1949.

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1969 c. 15.	The Representation of the People Act 1969.	The whole Act.
1969 c. 48.	The Post Office Act 1969.	In Part II of Schedule 4, paragraph 47.
1971 c. 23.	The Courts Act 1971.	In Part II of Schedule 8, paragraph 30.
1971 c. 36. (N.I.).	The Civil Evidence Act (Northern Ireland) 1971.	In the Schedule, the entry relating to the Representation of the People Act 1949.
1972 c. 70.	The Local Government Act 1972.	Part III  In section 243— (a) in subsection (2), the words “section 42 above or”; (b) in subsection (4), the words “section 44(1) or”. Schedule 6.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Sections 6 to 10.  In Schedule 3, paragraphs 2 to 18, and 20 to 23.
1974 c. 23.	The Juries Act 1974.	Section 3(3).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, item 6.
1975 c. 24.	The House of Commons Disqualification Act 1975.	Section 10(1).
1976 c. 29.	The Representation of the People (Armed Forces) Act 1976.	The whole Act.
1976 c. 52.	The Armed Forces Act 1976.	In Schedule 9, paragraph 19.
1976 c. 63.	The Bail Act 1976	In Schedule 2, paragraph 12.
1977 c. 9.	The Representation of the People Act 1977.	The whole Act.
1977 c. 14.	The Returning Officers (Scotland) Act 1977.	The whole Act.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, item 9.  In Schedule 12, the entry relating to the Representation of the People Act 1949.
1978 c. 4.	The Local Government (Scotland) Act 1978.	In the Schedule, paragraph 2.

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1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the entry relating to the Representation of the People Act 1949.
1978 c. 32.	The Representation of the People Act 1978.	The whole Act.
1979 c. 31.	The Prosecution of Offences Act 1979.	In Schedule 1, the entry relating to the Representation of the People Act 1949.
1980 c. 3.	The Representation of the People Act 1980.	The whole Act.
1981 c. 34.	The Representation of the People Act 1981.	Section 3 and the Schedule.
1982 c. 51.	The Mental Health (Amendment) Act 1982	Section 62. Section 69(5). In section 70(2) the words— (a) “62 and”; (b) “and Schedule 2 to this Act”. Schedule 2.

### PART III

#### CONSEQUENTIAL REVOCATIONS

<b>Year and number</b>	<b>Title</b>	<b>Extent of revocation</b>
S.I. 1973/2095.	Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973.	Article 2(4) to (6).
S.I. 1973/2163.	Northern Ireland (Modification of Enactments—No. 1) Order 1973.	In Schedule 5, paragraph 15.
S.I. 1974/595.	Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974.	Article 3(7).
S.I. 1977/293.	Local Authorities etc. (Miscellaneous Provision) Order 1977.	Article 4(2).
S.I. 1981/191.	Representation of the People (Variation of Limits	The whole Order.



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	of Candidates' Election Expenses) Order 1981.	
S.I. 1982/363.	Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1982.	The whole Order.

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