

*Status: Point in time view as at 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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

### [F1]SCHEDULE ZA1

Section 9E

#### CIVIL PENALTIES UNDER SECTION 9E

##### Textual Amendments

- F1** Sch. ZA1 inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 5\(2\), 27\(1\), Sch. 3 \(with Sch. 5\); S.I. 2014/414, art. 5\(e\)\(l\); S.I. 2014/2439, art. 2\(d\)\(k\)](#)

##### *Introduction*

- 1 This Schedule is about civil penalties under section 9E.

##### *Amount*

- 2 The amount of a civil penalty is to be specified in regulations.

##### *Procedure*

- 3 (1) The procedure for imposing a civil penalty on a person is to be set out in regulations.  
(2) The regulations must, in particular, require the registration officer to give the person written notice specifying—  
(a) the amount of the penalty,  
(b) the reasons for imposing it, and  
(c) the date by which and manner in which it is to be paid.
- 4 Regulations may specify steps that a registration officer must take before imposing a civil penalty.

##### *Reviews and appeals*

- 5 (1) Regulations may give a person on whom a civil penalty is imposed—  
(a) a right to request a review of the decision to impose the penalty;  
(b) a right to appeal against the decision to the First-tier Tribunal.
- (2) Regulations under this paragraph may, in particular—  
(a) specify the grounds on which a person may request a review or appeal;  
(b) specify the time within which a person must request a review or appeal;  
(c) require a person to request a review before appealing;  
(d) make provision about the procedure for a review;  
(e) make further provision about reviews and appeals (including provision as to the powers available on a review or appeal).

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*Power to create exceptions*

- 6 Regulations may specify circumstances in which—
- (a) a civil penalty may not be imposed, or
  - (b) a civil penalty may be cancelled.

*Accounts and record keeping*

- 7 Regulations may impose duties on registration officers about the keeping of accounts and other records in connection with civil penalties.

*Interest and enforcement etc.*

- 8 Regulations may—
- (a) allow interest to be charged on a civil penalty that is paid late;
  - (b) allow an additional penalty to be imposed for late payment.
- 9 In this Schedule “civil penalty” includes any interest or additional penalty.
- 10 Regulations may make provision about the recovery of civil penalties by registration officers.
- 11 A civil penalty received by a registration officer is to be paid into the Consolidated Fund.

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

- C1** Sch. ZA1 para. 11 modified (W.) (24.5.2018) by [The Welsh Ministers \(Transfer of Functions\) Order 2018 \(S.I. 2018/644\)](#), art. 1(1), **Sch. 2 para. 1**

*Power to make further provision*

- 12 Regulations may make further provision about civil penalties.]

[<sup>F2</sup>SCHEDULE A1

Section 18C

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

**Textual Amendments**

- F2** 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.

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- (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.]

## SCHEDULE 1

Section 23.

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

- C2** 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](#)
- C3** [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
- C4** [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](#)))
- C5** [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](#))
- C6** [Sch. 1](#) modified (S.) by [The Representation of the People \(Scotland\) Regulations 1986 \(S.I. 1986/1111\)](#), regs. 2, 95, 96, 98(1)
- C7** [Sch. 1](#) extended (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 6\(1\)-\(4\)](#)
- C8** [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](#) (as amended (22.5.2014) by [S.I. 2014/920](#), regs. 1(1), 2(7), 3-6; (7.5.2015) by [S.I. 2015/654](#), regs. 1(1), 2)
- C9** [Sch. 1](#) modified (N.I.) (10.4.2001) by [Elections Act 2001 \(c. 7\)](#), s. 4, [Sch.](#) (as amended (16.12.2010) by [S.I. 2010/2977](#), arts. 2(2), 6; and (15.9.2014) by [S.I. 2014/1116](#), arts. 1(1), 9)

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## 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	<p>In the case of a general election, as soon as practicable after the [<sup>F3</sup>dissolution of Parliament by section 3(1) of the Fixed-term Parliaments Act 2011].</p> <p>In the case of a by-election, as soon as practicable after the issue of the warrant for the writ.</p>
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.	<p>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 day after the date of the [<sup>F4</sup>dissolution of Parliament by section 3(1) of the Fixed-term Parliaments Act 2011].</p> <p>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.</p>
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.	<p>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—</p> <p>(a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24</p>

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Publication of statement of persons nominated.	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  (b) the foregoing provisions do not apply to objections made in pursuance of rule 15(2).
Polling	In the case of a general election or a by-election, [ <sup>F5</sup> (a) if no objections to nomination papers are made, at the close of the time for doing so, or (b) if any such objections are made, not before they are disposed of but not later than 24 hours after the last time for delivery of nomination papers.]  In the case of a general election, between the hours of 7 in the morning and 10 at night on the [ <sup>F6</sup> day determined under section 1 of the Fixed-term Parliaments Act 2011 or appointed under section 2(7) of that Act].  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>F7</sup> 17th] nor later than the [ <sup>F8</sup> 19th] day after the last day for delivery of nomination papers.

#### Textual Amendments

- F3** Words in Sch. 1 rule 1 substituted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\), s. 7\(2\)](#), [Sch. para. 10\(2\)](#) (with [ss. 1-3, 6](#))
- F4** Words in Sch. 1 rule 1 substituted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\), s. 7\(2\)](#), [Sch. para. 10\(3\)](#) (with [ss. 1-3, 6](#))
- F5** Words in Sch. 1 rule 1 substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 19\(2\), 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](#)
- F6** Words in Sch. 1 rule 1 substituted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\), s. 7\(2\)](#), [Sch. para. 10\(4\)](#) (with [ss. 1-3, 6](#))
- F7** Word in Sch. 1 rule 1 substituted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 14\(3\)\(a\), 27\(1\)](#); [S.I. 2014/414, art. 3\(a\)](#) (with [art. 4](#))
- F8** Word in Sch. 1 rule 1 substituted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 14\(3\)\(b\), 27\(1\)](#); [S.I. 2014/414, art. 3\(a\)](#) (with [art. 4](#))

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

- C10** Sch. 1 rule 1 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C11** 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**
- C12** 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**
- C13** Sch. 1 rule 1 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), art. 3, Sch. 1 (as amended (20.3.2003) by Northern Ireland Assembly Elections Act 2003 (c. 3), s. 1(6); substituted (10.2.2009) by S.I. 2009/256, art. 1(2), 3, Sch. 1; and modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 8 para. 4**)

#### *Computation of time*

- 2 (1) In computing any period of time for the purposes of the Timetable—
- (a) a Saturday or Sunday,
  - [<sup>F9</sup>(b) Christmas Eve, Christmas Day, <sup>F10</sup>. . . Good Friday or a bank holiday]
  - (c) a day appointed for public thanksgiving or mourning,
- shall be disregarded <sup>F11</sup>...
- [<sup>F12</sup>(1A) In relation to a general election, any day within paragraph (1)(a) to (c) shall not be treated as a day for the purpose of any proceedings in the Timetable before the polling day.
- (1B) In relation to a by-election, any day within paragraph (1)(a) to (c) shall not be treated as a day for the purpose of any proceedings in the Timetable 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; <sup>F13</sup>...
  - <sup>F13</sup>(ii) . . . . .
- [<sup>F14</sup>(2A) In relation to a general election, this rule does not apply to a day which is a bank holiday or a day appointed for public thanksgiving or mourning if—
- (a) the day was not fixed or appointed as such before the dissolution of Parliament by section 3(1) of the Fixed-term Parliaments Act 2011, or
  - (b) the day is one that is treated as a working day by section 3(6) of that Act.
- But, in relation to any proceedings commenced afresh by reason of a candidate’s death, this paragraph is to be ignored.]
- <sup>F15</sup>(3) . . . . .

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### Textual Amendments

- F9** Sch. 1 rule 2(1)(b) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 19(5)(a)
- F10** Words in Sch. 1 rule 2(1)(b) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 52; S.I. 2006/3412, art. 3, Sch. 1 para. 14(w) (bb)(ii)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F11** Words in Sch. 1 rule 2(1) omitted (15.9.2011) by virtue of Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), Sch. para. 11(2) (with s. 6)
- F12** Sch. 1 rule 2(1A)(1B) inserted (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), Sch. para. 11(3) (with s. 6)
- F13** Sch. 1 rule 2(2)(ii) and preceding word omitted (15.9.2011) by virtue of Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), Sch. para. 11(4) (with s. 6)
- F14** Sch. 1 rule 2(2A) inserted (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), Sch. para. 11(5) (with s. 6)
- F15** 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)

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

- 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—
- 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
  - 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.

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- (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.

*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>F16</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.
- <sup>F17</sup>(1A) The notice of election must also state the arrangements which apply for the payment of the deposit required by rule 9 below to be made by means of the electronic transfer of funds.]
- (2) The notice of election shall state the date by which <sup>F18</sup>(except in such circumstances as may be prescribed)]—



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- (a) applications to [<sup>F19</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.

<sup>F20</sup>(3) .....

**Textual Amendments**

- F16** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 74(a)**, Sch. 5
- F17** [Sch. 1 rule 5\(1A\)](#) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. **19(3)**, 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
- F18** Words in [Sch. 1 rule 5\(2\)](#) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 15(1), **Sch. 6 para. 10(1)(2)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F19** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 4**
- F20** [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)**

- C17** [Sch. 1 rule 5](#) applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. 1**  
[Sch. 1 rule 5](#) applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C18** [Sch. 1 rule 5](#) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

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, [<sup>F21</sup>and]
  - (b) <sup>F22</sup> .....
  - (c) if desired, description,
- and the surname shall be placed first in the list of his names.
- [<sup>F23</sup>(2A) If a candidate commonly uses—
- (a) a surname which is different from any other surname he has, or
  - (b) a forename which is different from any other forename he has,

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the nomination paper may state the commonly used surname or forename in addition to the other name.]

- [<sup>F24</sup>(3) The description, if any, must consist of either—
- (a) a description <sup>F25</sup>. . . which is authorised as mentioned in rule 6A(1) [<sup>F26</sup>or (1B)] below; or
  - (b) the word “Independent” or, where the candidate is the Speaker of the House of Commons seeking re-election, the words “The Speaker seeking re-election”.]

- [<sup>F27</sup>(4) The nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states the candidate's—
- (a) full names, and
  - (b) home address in full.

Provision in paragraph (1) above about delivery of the nomination paper applies also to the home address form.

- (5) The home address form—
- (a) may contain a statement made and signed by the candidate that he requires the home address not to be made public; and
  - (b) if it does so, must state the constituency within which that address is situated (or, if that address is outside the United Kingdom, the country within which it is situated).]

#### Textual Amendments

- F21** Word in Sch. 1 rule 6(2)(a) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), **Sch. 6 para. 8(2)**; S.I. 2009/2395, **art. 2** (with art. 3)
- F22** Sch. 1 rule 6(2)(b) repealed (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 24(2)(a), 39, 43(1), **Sch. 7**; S.I. 2009/2395, **art. 2** (with art. 3)
- F23** Sch. 1 rule 6(2A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 21(2), 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**
- F24** Sch. 1 rule 6(3) substituted (16.2.2001) by 2000 c. 41, **s. 38(1)(2)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F25** Words in Sch. 1 rule 6(3)(a) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 19(4)(a), 74(2), 77, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(f)(aa)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts 2, 4**
- F26** Words in Sch. 1 rule 6(3)(a) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 19(4)(b), 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**
- F27** Sch. 1 rule 6(4)(5) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 24(2)(b), 43(1)**; S.I. 2009/2395, **art. 2** (with art. 3)

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

- C19** Sch. 1 rule 6 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 6 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**)
- C20** 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**
- C21** Sch. 1 rules 6, 7, 8 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

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[<sup>F28</sup> *Nomination papers: name of registered political party*]

#### Textual Amendments

**F28** 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>F29</sup>6A (1) A nomination paper may not include a description of a candidate which is likely to lead [<sup>F30</sup>electors] to associate the candidate with a registered political party unless [<sup>F31</sup>the party is a qualifying party in relation to the constituency and] 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.

[ In paragraph (1) above an authorised description may be either—

- <sup>F32</sup>(1A) (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000, or
- (b) a description of the party registered under section 28A of that Act.

(1B) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the constituency and the description is a registered description authorised by a certificate—

- (a) issued by or on behalf of the registered nominating officer of each of the parties, 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.

(1C) For the purposes of paragraph (1B), a description is a registered description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.]

(2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) [<sup>F33</sup>or (1B)] on behalf of a registered political party's nominating officer.

[ For the purposes of the application of this rule in relation to an election—

- <sup>F34</sup>(3) (a) “registered political party” means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 [<sup>F35</sup> on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at the election;]
- (b) a registered political party is a qualifying party in relation to a constituency if—
- (i) the constituency is in England, Scotland or Wales and the party was [<sup>F36</sup>on the relevant day] registered in respect of that part of Great Britain in the Great Britain register maintained under that Part of that Act, or
  - (ii) the constituency is in Northern Ireland and the party was [<sup>F37</sup>on the relevant day] registered in the Northern Ireland register maintained under that Part of that Act.]

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[ For the purposes of paragraph (3)(a) any day falling within rule 2(1) [F39(subject to F38(4) rule 2(2A))] shall be disregarded.]]

#### Textual Amendments

- F29** Sch. 1 rule 6A inserted (24.3.1999) by 1998 c. 48, s. 13, **Sch. 2 para. 2**; S.I. 1999/393, **art. 2**
- F30** Word in Sch. 1 rule 6A(1) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 129(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(aa)(bb)(vi) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F31** Words in Sch. 1 rule 6A(1) inserted (16.2.2001) by 2000 c. 41, **s. 38(1)(3)(a)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F32** Sch. 1 rule 6A(1A)-(1C) inserted (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 49(3), 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 6 (subject to transitional provisions in art. 6, Sch. 2)
- F33** Words in Sch. 1 rule 6A(2) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 129(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(aa)(bb)(vi) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F34** Sch. 1 rule 6A(3) substituted (16.2.2001) by 2000 c. 41, **s. 38(1)(3)(b)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F35** Words in Sch. 1 rule 6A(3)(a) substituted (11.9.2006) by Electoral Administration Act 2006 (c. 22), **ss. 52(2)(a), 77**; S.I. 2006/1972, **art. 3(2)**, Sch. 1 para. 12 (subject to transitional provisions in art. 4, Sch. 2)
- F36** Words in Sch. 1 rule 6A(3)(b) substituted (11.9.2006) by Electoral Administration Act 2006 (c. 22), **ss. 52(2)(b), 77**; S.I. 2006/1972, **art. 3(2)**, Sch. 1 para. 12 (subject to transitional provisions in art. 4, Sch. 2)
- F37** Words in Sch. 1 rule 6A(3)(b) substituted (11.9.2006) by Electoral Administration Act 2006 (c. 22), **ss. 52(2)(b), 77**; S.I. 2006/1972, **art. 3(2)**, Sch. 1 para. 12 (subject to transitional provisions in art. 4, Sch. 2)
- F38** Sch. 1 rule 6A(4) inserted (11.9.2006) by Electoral Administration Act 2006 (c. 22), **ss. 52(3), 77**; S.I. 2006/1972, **art. 3(2)**, Sch. 1 para. 12 (subject to transitional provisions in art. 4, Sch. 2)
- F39** Words in Sch. 1 rule 6A(4) inserted (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), **Sch. para. 12** (with s. 6)

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

- C22** Sch. 1 rule 6A 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**)

#### *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.

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(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.

[<sup>F40</sup>(6) In this rule “elector”—

- (a) means a person who is registered in the register of parliamentary electors for the constituency on the last day for publication of notice of the election; and
- (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.]

[<sup>F41</sup>(7) But, in this rule, “elector” does not include a person who has an anonymous entry in the register.]

#### Textual Amendments

**F40** Sch. 1 rule 7(6) substituted (16.2.2001) by 2000 c. 2, s. 8(a), **Sch. 1 para. 23(2)**; S.I. 2001/116, **art. 2(1)**

**F41** Sch. 1 rule 7(7) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, **Sch. 1 para. 14(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)

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

**C23** Sch. 1 rules 6, 7, 8 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C24** 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 7 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**)

#### *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—

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- (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.
- [<sup>F42</sup>(c) shall state that he is not a candidate at an election for any other constituency the poll for which is to be held on the same day as that for the election to which the consent relates.]

#### Textual Amendments

- F42** Sch. 1 rule 8(3)(c) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 22, 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(i\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 4](#)

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

- C25** Sch. 1 rules 6, 7, 8 applied with modifications (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C26** 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](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\), 3](#), [Sch. 1](#))
- C27** 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.

#### Deposit

- 9 (1) A person shall not be validly nominated unless the sum of [<sup>F43</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—
- by the deposit of any legal tender, or
  - by means of a banker's draft, or
  - with the returning officer's consent, in any other manner [<sup>F44</sup>(including by means of a debit or credit card or the electronic transfer of funds)] .
- 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>F45</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 [<sup>F46</sup>rule 6(4)] above).]

#### Textual Amendments

- F43** "£500" substituted for "£150" by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), [s. 13\(a\)](#)

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**F44** Words in Sch. 1 rule 9(2)(c) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 19(5), 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

**F45** Sch. 1 rule 9(3) added by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 75

**F46** Words in Sch. 1 rule 9(3) substituted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), Sch. 6 para. 8(3); S.I. 2009/2395, art. 2 (with art. 3)

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

**C28** Sch. 1 rule 9 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C29** 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, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, 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 [<sup>F47</sup>local government area][<sup>F48</sup>or Welsh county or county borough] 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
- (b) the [<sup>F47</sup>local government area] or (if more than one) any of the [<sup>F47</sup>local government areas] in which the constituency is situated; or
- (c) any district adjoining the [<sup>F47</sup>local government area] or [<sup>F47</sup>local government areas] (as the case may be) in which the constituency is situated.

**Textual Amendments**

**F47** Words in s. 1 rule 10 substituted (1.4.1996) by S.I. 1996/739, art. 7(1), Sch. 1 Pt. I para. 5(5)(a)

**F48** Words in Sch. 1 rule 10(2)(c) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 68(17) (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2

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

**C30** Sch. 1 rule 10 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C31** 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  
Sch. 1 rule 10 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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### *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,<sup>[F49]</sup> or
  - (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties, Elections and Referendums Act 2000,]
- 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 <sup>[F50]</sup>and associated home address form] .
- <sup>[F51]</sup>(3A) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).]
- (4) <sup>[F52]</sup>One other person chosen by the candidate] 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.
- <sup>[F53]</sup>(5) The returning officer shall not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.]

#### **Textual Amendments**

- F49** Sch. 1 rule 11(1)(c) and word inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 83(2)**; S.I. 2006/3412, **art. 5**; S.I. 2008/1316, **arts. 2, 4**
- F50** Words in Sch. 1 rule 11(3) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 24(3)(a)**, 43(1); S.I. 2009/2395, **art. 2** (with art. 3)
- F51** Sch. 1 rule 11(3A) inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 83(3)**; S.I. 2006/3412, **art. 5**; S.I. 2008/1316, **arts. 2, 4**
- F52** Words in Sch. 1 rule 11(4) substituted (31.1.2007 for E.W.S. and 1.7.2008 for N.I. ) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 83(4)**; S.I. 2006/3412, **art. 5**; S.I. 2008/1316, **arts. 2, 4**
- F53** Sch. 1 rule 11(5) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 24(3)(b)**, 43(1); S.I. 2009/2395, **art. 2** (with art. 3)

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

- C32** Sch. 1 rule 11 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**



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**C33** 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) (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**)

*Decisions as to validity of nomination papers*

- 12 (1) Where a nomination paper and the candidate's consent to it [<sup>F54</sup>and the home address form] 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
  - [<sup>F55</sup>(aa) the returning officer decides that the home address form does not comply with rule 6(4); 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) [<sup>F56</sup>Subject to paragraph (3A),] the returning officer shall give his decision on any objection to a nomination paper
- [<sup>F57</sup>(a) as soon as practicable after it is made, and
  - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.]
- [<sup>F58</sup>(3A) If in the returning officer's opinion a nomination paper breaks rule 6A(1) [<sup>F59</sup>or (1B)], he shall give a decision to that effect
- [<sup>F60</sup>(a) as soon as practicable after delivery of the nomination paper, and
  - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.]]
- (4) [<sup>F61</sup>Where the returning officer] 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.

**Textual Amendments**

**F54** Words in Sch. 1 rule 12(1) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 24(4)(a), 43(1); S.I. 2009/2395, art. 2 (with art. 3)

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- F55** Sch. 1 rule 12(1)(aa) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 24(4)(b)**, 43(1); S.I. 2009/2395, **art. 2** (with art. 3)
- F56** Words in Sch. 1 rule 12(3) inserted (24.3.1999) by 1998 c. 48, s. 13, **Sch. 2 para. 3(2)**; S.I. 1999/393, **art. 2**
- F57** Words in Sch. 1 rule 12(3) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 19(6)**, 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**
- F58** Sch. 1 rule 12(3A) inserted (24.3.1999) by 1998 c. 48, s. 13, **Sch. 2 para. 3(3)**; S.I. 1999/393, **art. 2**
- F59** Words in Sch. 1 rule 12(3A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 74(1)**, 77, **Sch. 1 para. 130**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(aa)(bb)(vi) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F60** Words in Sch. 1 rule 12(3A) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 19(7)**, 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**
- F61** Words in Sch. 1 rule 12(4) substituted (24.3.1999) by 1998 c. 48, s. 13, **Sch. 2 para. 3(4)**; S.I. 1999/393, **art. 2**

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

- C34** Sch. 1 rule 12 applied with modifications (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5**, **Sch. 1 Pt. I**
- C35** 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**  
Sch. 1 rule 12 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**)
- C36** Sch. 1 rule 12 modified (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3)**, 5(5), 6(5)
- C37** 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 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)

- C38** Sch. 1 rule 13 applied (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5**, **Sch. 1 Pt. I**
- C39** Sch. 1 rule 13 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 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)*

**C40** 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 [<sup>F62</sup>and home address forms] , together with the names of the persons subscribing those papers.
- [<sup>F63</sup>(2A) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement shall show the person's commonly used surname or forename (as the case may be) instead of any other name.
- (2B) Paragraph (2A) above does not apply if the returning officer thinks—
- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
  - (b) that the commonly used name is obscene or offensive.
- (2C) If paragraph (2B) above applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.]
- (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.
- [<sup>F64</sup>(3A) In relation to a nominated person in whose case the home address form (or, if the person is nominated by more than one nomination paper, any of the home address forms) contains—
- (a) the statement mentioned in rule 6(5)(a), and
  - (b) the information mentioned in rule 6(5)(b),
- the reference in paragraph (2) to the person's address shall be read as a reference to the information mentioned in rule 6(5)(b).]
- (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.
- [<sup>F65</sup>(4A) Where—
- (a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,
  - (b) paragraph (3A) applies in relation to each of the persons in question, and
  - (c) the information mentioned in rule 6(5)(b) is the same for each of them,
- the returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

*Status: Point in time view as at 03/03/2020.*

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- (4B) Where it is practicable to do so before the publication of the statement, the returning officer shall consult any person whose particulars are to be amended or added to under paragraph (4A).
- (4C) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (4A).
- (4D) Anything done by a returning officer in pursuance of paragraph (4A) must not be questioned in any proceedings other than proceedings on an election petition.
- (4E) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (4A).]
- [<sup>F66</sup>(5) The returning officer shall send to the Electoral Commission—
- (a) a copy of the statement; and
  - (b) in the case of each candidate standing nominated in respect of whom a certificate has been received by the returning officer in accordance with rule 6A [<sup>F67</sup>(1) or (1B)] above, a copy of that certificate as well.]

#### Textual Amendments

- F62** Words in Sch. 1 rule 14(2) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), Sch. 6 para. 8(4); S.I. 2009/2395, art. 2 (with art. 3)
- F63** Sch. 1 rule 14(2A)-(2C) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 21(3), 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
- F64** Sch. 1 rule 14(3A) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 24(5), 43(1); S.I. 2009/2395, art. 2 (with art. 3)
- F65** Sch. 1 rule 14(4A)-(4E) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 24(6), 43(1); S.I. 2009/2395, art. 2 (with art. 3)
- F66** Sch. 1 rule 14(5) inserted (16.2.2001) by 2000 c. 41, s. 158(1), Sch. 21 para. 6(9) (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)
- F67** Words in Sch. 1 rule 14(5) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, Sch. 1 para. 131; S.I. 2006/3412, art. 3, Sch. 1 para. 14(aa)(bb)(vi) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4

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

- C41** Sch. 1 rules 14, 15 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C42** 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
- C43** Sch. 1 rule 14 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), Sch. 1  
Sch. 1 rule 14 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)

[<sup>F68</sup>Correction of minor errors

#### Textual Amendments

- F68** 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

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- 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 [<sup>F69</sup>or home address form] .
- (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.  
[ in the home address form, errors as to the information mentioned in rule 6(5)<sup>F70</sup>(c) (b).]
- (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.]

#### Textual Amendments

**F69** Words in Sch. 1 rule 14A(1) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), Sch. 6 para. 8(5)(a); S.I. 2009/2395, art. 2 (with art. 3)

**F70** Sch. 1 rule 14A(2)(c) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), Sch. 6 para. 8(5)(b); S.I. 2009/2395, art. 2 (with art. 3)

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

**C44** 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)

**C45** Sch. 1 rules 14, 15 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C46** 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)

*Status: Point in time view as at 03/03/2020.*

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#### 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)

- C47** Sch. 1 rule 16 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C48** 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)

- C49** Sch. 1 rule 17 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C50** Sch. 1 rule 17 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C51** 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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*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)*

### 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)**

- C52** Sch. 1 rule 18 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C53** Sch. 1 rule 18 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**  
**C54** 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—
- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
  - (b) shall be capable of being folded up;
  - (c) shall have a number [<sup>F71</sup>and other unique identifying mark] printed on the back;
  - (d) <sup>F72</sup> .....
- [<sup>F73</sup>(2A) If a candidate who is the subject of a party's authorisation under rule 6A(1) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).
- [ If a candidate who is the subject of an authorisation by two or more parties under rule <sup>F74</sup>(2AA) 6A(1B) so requests, the ballot paper shall contain, against the candidate's particulars, the registered emblem (or, as the case may be, one of the registered emblems) of one of those parties.]
- (2B) [<sup>F75</sup>A request under paragraph (2A) or (2AA)] must—
- (a) be made in writing to the returning officer, and
  - (b) be received by him during the period for delivery of nomination papers set out in the Table in rule 1.]

*Status: Point in time view as at 03/03/2020.*

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- (3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.
- [<sup>F76</sup>(4) The Secretary of State may in regulations—
- (a) prescribe a different form of ballot paper from that in the Appendix;
  - (b) amend or replace the directions as to printing the ballot paper in the Appendix;
  - (c) in consequence of anything done for the purposes of paragraph (a) or (b), amend or replace the Form of directions for the guidance of the voters in voting in the Appendix.]

#### Textual Amendments

- F71** Words in Sch. 1 rule 19(2)(c) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 87**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F72** Sch. 1 rule 19(2)(d) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 30(2)(a), 74(2), 77, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(n)(aa)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F73** Sch. 1 rule 19(2A)(2B) inserted (24.3.1999) by 1998 c. 48, s. 13, **Sch. 2 para. 4**; S.I. 1999/393, **art. 2**
- F74** Sch. 1 rule 19(2AA) inserted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 20(2)**, 27(1); S.I. 2014/414, art. 3(d) (with art. 4)
- F75** Words in Sch. 1 rule 19(2B) substituted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 20(3)**, 27(1); S.I. 2014/414, art. 3(d) (with art. 4)
- F76** Sch. 1 rule 19(4) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 30(2)(b)**, 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**

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

- C55** Sch. 1 rule 19 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C56** Sch. 1 rule 19 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C57** Sch. 1 rule 19 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 19 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**)

#### [<sup>F77</sup>Corresponding number list

#### Textual Amendments

- F77** 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.]



*Status: Point in time view as at 03/03/2020.*

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

- C58** Sch. 1 rule 19A applied (with modifications) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), art. 3, Sch. 1 (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, Sch. 1; and modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 8 para. 7**)

*The official mark*

- 20 <sup>[F78]</sup>(1) Every ballot paper must contain an appropriate security marking (the official mark).]
- (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.
- <sup>[F79]</sup>(3) The returning officer may use a different official mark for different purposes at the same election.]

**Textual Amendments**

- F78** Sch. 1 rule 20(1) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, **Sch. 1 para. 88(2)**; [S.I. 2006/3412](#), art. 3, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); [S.I. 2008/1316](#), arts. 2, 4
- F79** Sch. 1 rule 20(3) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, **Sch. 1 para. 88(3)**; [S.I. 2006/3412](#), art. 3, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); [S.I. 2008/1316](#), arts. 2, 4

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

- C59** Sch. 1 rules 20, 21 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C60** 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**
- C61** 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**
- C62** 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, Sch. 1 (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, **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.

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

- C63** Sch. 1 rules 20, 21 applied (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C64** 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**
- C65** 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**)

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### *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 [<sup>F80</sup>local authority]<sup>F81</sup> . . . 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>F82</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**

- F80** Words in Sch. 1 para. 22(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 33(2)**
- F81** Words in Sch. 1 rule 22(1)(i) repealed (1.9.1999) by 1998 c. 31, s. 140(3), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F82** 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. 1**

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

- C66** Sch. 1 rule 22 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C67** 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. 1**
- C68** Sch. 1 rule 22 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
Sch. 1 rule 22 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C69** Sch. 1 rule 22 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**)
- C70** Sch. 1 rule 22(1)(2) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2
- C71** Sch. 1 rule 22(3) modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 1 para. 19(2)**
- C72** Sch. 1 rule 22(3) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), **Sch. 1 para. 49**

#### **Marginal Citations**

- M5** 1980 c. 44.

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## 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>F83</sup>
  - <sup>F84</sup>(c) .....
- [<sup>F85</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>F86</sup>(3) .....

#### Textual Amendments

- F83** Word repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 77(a)**, Sch. 5
- F84** [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
- F85** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 77(a)**
- F86** [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)

- C73** [Sch. 1 rule 23](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C74** [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**
- C75** [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**
- C76** [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**)
- C77** [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*

- [<sup>F87</sup>24 (1) The returning officer shall, in accordance with regulations, issue to those entitled to vote by post—
- (a) a ballot paper;
  - (b) at an election held in England and Wales or Scotland, a postal voting statement in the prescribed form;
  - (c) at an election held in Northern Ireland, a declaration of identity in the prescribed form;
- together with such envelopes for their return as may be prescribed.
- (2) The returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

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- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper;
  - (b) a translation into Braille of such directions or guidance;
  - (c) graphical representations of such directions or guidance;
  - (d) the directions or guidance in any other form (including any audible form).
- (3) The prescribed form shall include provision for the form to be signed and for stating the date of birth of the elector or proxy (as the case may be).
- (4) In the case of a ballot paper issued to a person resident in the United Kingdom, the returning officer must ensure that the return of the ballot paper and postal voting statement or declaration of identity is free of charge to the voter.
- (5) In any other case, regulations may provide that the returning officer must so ensure.]

#### Textual Amendments

**F87** Sch. 1 rule 24 substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 37, 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(r\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 3](#)

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

**C78** Sch. 1 rule 24 applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\), 3](#), [Sch. 1](#); and modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), [s. 19\(1\)](#), [Sch. 8 paras. 10, 11](#))

#### *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 [<sup>F88</sup>local government areas] than one, there shall be at least one polling station in each of those [<sup>F88</sup>local government areas].
- (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.

#### Textual Amendments

**F88** Words in [Sch. 1 rule 25\(4\)](#) substituted (1.4.1996) by [S.I. 1996/739](#), [art. 7\(1\)](#), [Sch. 1 Pt. I para. 5\(5\)\(b\)](#)

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

**C79** [Sch. 1 rule 25](#) applied (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)

**C80** [Sch. 1 rule 25](#) applied (E.W.S.) by [S.I. 1986/2209](#), [regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)

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- C81** Sch. 1 rule 25 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
Sch. 1 rule 25 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C82** Sch. 1 rule 25 applied (with modifications) (31.7.1997) by S.I. 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 25 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**)

### *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>F89</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)].

#### **Textual Amendments**

- F89** Words inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), s. 2(2)

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

- C83** Sch. 1 rule 26 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C84** 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**
- C85** 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**
- C86** 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*

<sup>F90</sup>27 .....

#### **Textual Amendments**

- F90** 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 [<sup>F91</sup>(1)] The returning officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official poll card.

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- (1A) An official poll card shall not be sent to a 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,  
<sup>F92</sup> ...
- [<sup>F93</sup>(2A) A proxy's official poll card shall be sent or delivered to the address which—
- (a) is shown as the proxy's address in the list of proxies; or
  - (b) in the case of a proxy for an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, would be so shown but for section 7(4A) of the Representation of the People Act 1985.]
- (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.
- [<sup>F94</sup>(d) such other information as is prescribed;
- (e) such other information as the returning officer thinks appropriate,
- and different information may be provided in pursuance of sub-paragraph (d) and (e) to different electors or descriptions of elector.]
- [<sup>F95</sup>(3A) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b) above the polling card shall contain such matter as is prescribed.]
- (4) Paragraph (6) of rule 7 above applies for the interpretation of this rule.

#### Textual Amendments

- F91** Sch. 1 rule 28(1)(1A) substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) for Sch. 1 rule 28(1) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 70(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**
- F92** Words in Sch. 1 rule 28(2) omitted (15.9.2014) by virtue of The Anonymous Registration (Northern Ireland) (No. 2) Order 2014 (S.I. 2014/1880), arts. 1(1), **2(2)(a)**
- F93** Sch. 1 rule 28(2A) inserted (15.9.2014) by The Anonymous Registration (Northern Ireland) (No. 2) Order 2014 (S.I. 2014/1880), arts. 1(1), **2(2)(b)**
- F94** Sch. 1 rule 28(3)(d)(e) and words inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 70(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**
- F95** Sch. 1 rule 28(3A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, **Sch. 1 para. 14(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)

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

- C87** Sch. 1 rule 28 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C88** Sch. 1 rule 28 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C89** 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, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C90** Sch. 1 rule 28(1)–(3) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2

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### *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—
- (a) materials to enable voters to mark the ballot papers;
  - (b) <sup>F96</sup> . . . . .
  - (c) copies of the register of electors or such part of it as contains the [<sup>F97</sup> entries relating to] the electors allotted to the station;
  - (d) 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.
  - [<sup>F98</sup>(e) a list consisting of that part of the list prepared under rule 19A which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.]
- [<sup>F99</sup>(3A) The returning officer shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
  - (b) a device of such description as may be prescribed for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 39(1)).]
- (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>F100</sup>the notice "Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted."]
- [<sup>F101</sup>(6) The reference in paragraph (3)(c) to the copies of the registers of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of this Act in respect of alterations to the register.]
- [<sup>F102</sup>(7) The reference in paragraph (3)(c) to the copies of the register of electors includes a reference to copies of any notices issued under section 13BA(9) in respect of alterations to the register.]

#### **Extent Information**

**E1** 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** Sch. 1 rule 29(3)(b) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 74(2), 77, Sch. 1 para. 89, Sch. 2; S.I. 2006/3412, art. 3, Sch. 1 para. 14(w)(aa) (bb)(iii)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts 2, 4

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- F97** Words in Sch. 1 rule 29(3)(c) substituted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, **Sch. 1 para. 14(4)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)
- F98** Sch. 1 rule 29(3)(e) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(3), 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, 4**
- F99** Sch. 1 rule 29(3A) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 13(1)(2); S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F100** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 79**
- F101** Sch. 1 rule 29(6) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, **Sch. 1 para. 34**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 1, 12(b) (subject to transitional provisions in art. 6, Sch. 2)
- F102** Sch. 1 rule 29(7) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(2)**; S.I. 2008/1318, **art. 2**

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

- C91** Sch. 1 rule 29 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C92** Sch. 1 rule 29 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C93** Sch. 1 rule 29 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 2  
Sch. 1 rule 29 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**)
- C94** 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**
- C95** Sch. 1 rule 29 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**; and modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 8 para. 18**)
- C96** 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—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
  - (b) counting agents to attend at the counting of the votes.
- (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 [<sup>F103</sup>5th] 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.



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- (5) <sup>F104</sup> . . . 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.

#### Textual Amendments

**F103** Word in Sch. 1 rule 30(3) substituted (6.4.2014) by [Electoral Registration and Administration Act 2013](#) (c. 6), [ss. 14\(4\)](#), 27(1); S.I. 2014/414, [art. 3\(a\)](#) (with [art. 4](#))

**F104** Words in Sch. 1 rule 30(5) repealed (16.2.2001) by 2000 c. 41, [s. 158\(2\)](#), [Sch. 22](#) (with [s. 156\(6\)](#)); S.I. 2001/222, [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in Sch. 1 Pt. II)

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

**C97** Sch. 1 rule 30 applied with modifications (N.I.) by S.I. 1986/2250, [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)

**C98** 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](#)

**C99** 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](#)

**C100** Sch. 1 rule 30 applied (with modifications) (1.8.2001) by S.I. 2001/2599, [art. 3](#), Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\)](#), 3, [Sch. 1](#))

**C101** 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)

*[<sup>F105</sup> Notification of requirement of secrecy]*

#### Textual Amendments

**F105** Sch. 1 rule 31 substituted by [Representation of the People Act 1985](#) (c. 50, SIF 42), [s. 24](#), [Sch. 4 para. 80](#)

*Status: Point in time view as at 03/03/2020.*

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- [<sup>F106</sup>31 [ The returning officer shall make such arrangements as he thinks fit to ensure that—
- <sup>F107</sup>(1)] (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.]
- [<sup>F108</sup>(2) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer [<sup>F109</sup>or community support volunteer] under section 38 of the Police Reform Act 2002 (police powers for employees [<sup>F110</sup>or volunteers]).]

#### Textual Amendments

- F106** Sch. 1 rule 31 substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 80**
- F107** Sch. 1 rule 31 renumbered as Sch. 1 rule 31(1) (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 21(1), 27(1)**; S.I. 2014/414, art. 3(e) (with art. 4)
- F108** Sch. 1 rule 31(2) inserted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 21(1), 27(1)**; S.I. 2014/414, art. 3(e) (with art. 4)
- F109** Words in Sch. 1 para. 31(2) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 6(2)(a)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)
- F110** Words in Sch. 1 para. 31(2) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 6(2)(b)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

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

- C102** Sch. 1 rule 31 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C103** 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**
- C104** 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**
- Sch. 1 para. 31** applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C105** 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**)

### <sup>F111</sup>Return of postal ballot papers

#### Textual Amendments

- F111** 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

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(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.

[ Paragraph (1) shall not apply in relation to a vote on a tendered postal ballot paper <sup>F112</sup>(1A) (see rule 40ZA).]

(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.]

#### Textual Amendments

**F112** Sch. 1 rule 31A(1A) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), 3(6)

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

**C106** 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<sup>F113</sup>(1) The presiding officer shall exclude all persons from the polling station except—

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.

(1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.]

(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.

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- (4) Any certificate surrendered under this rule shall forthwith be cancelled.
- [<sup>F114</sup>(5) In the application of this rule to an election in England or Wales, a reference to a constable includes a person designated as a community support officer [<sup>F115</sup>or community support volunteer] under section 38 of the Police Reform Act 2002 (police powers for employees [<sup>F116</sup>or volunteers]).]

#### Textual Amendments

- F113** Sch. 1 rule 32(1)(1A) substituted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) for Sch. 1 rule 32(1) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 84**; S.I. 2006/3412, **art. 5**; S.I. 2008/1316, **arts. 2, 4**
- F114** Sch. 1 rule 32(5) inserted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 21(2), 27(1)**; S.I. 2014/414, **art. 3(e)** (with **art. 4**)
- F115** Words in Sch. 1 para. 32(5) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 6(3)(a)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F116** Words in Sch. 1 para. 32(5) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 6(3)(b)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

#### 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 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**
- C110** Sch. 1 rule 32 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), **art. 3, Sch. 1** (as amended (13.11.2003) by S.I. 2003/2989, **art. 2(2)**); substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**; and modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 8 para. 19(2)**
- C111** 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)**
- C112** 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

#### 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.

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- (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)**

- C113** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C114** 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**  
**C115** 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**  
**C116** 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)**

- C117** Sch. 1 rules 32–34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
**C118** 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**  
**C119** 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**  
**C120** 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**)

*Questions to be put to voters*

- [<sup>F117</sup>35(1) At the time of the application (but not afterwards), the questions specified in the second column of the following table—
- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
  - (b) shall be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put:

***Person applying for ballot paper***

1 A person applying as an elector.

***Questions***

- (a) “Are you the person registered in the register of parliamentary electors for this election as follows (*read out the whole entry from the register*)” R
- (b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person” R

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- 2 A person applying as proxy.
- (c) At an election held in Northern Ireland, “What is your date of birth”
- (a) “Are you the person whose name appears as A.B. in the list of proxies for this election
- (b) “Have you already voted here or elsewhere at this election, as proxy on behalf of C.D.” R
- as entitled to vote as proxy on behalf of C.D.” R
- (c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.” R
- 3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2 above).
- (a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is *(read out the number from the register)*” R
- (b) “Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is *(read out the number from the register)*” R
- (c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of electors is *(read out the number from the register)*” R
- 4 Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative.
- “Have you at this election already voted in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grand-parent, brother/sister, child or grandchild?” [R]
- 5 A person applying as an elector in relation to whom there is an entry in the postal voters list.
- (a) “Did you apply to vote by post”
- (b) “Why have you not voted by post”
- 6 A person applying as proxy who is named in the proxy postal voters list.
- (a) “Did you apply to vote by post as proxy”
- (b) “Why have you not voted by post as proxy”

- (2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D).

[<sup>F118</sup>(2A) In the case of an elector in respect of whom a notice has been issued under section 13BA(9), the reference in the question at entry 1(a) to reading from the

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register must be taken as a reference to reading from the notice issued under section 13BA(9).]

- (3) A ballot paper shall not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.
- (4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.]

#### Textual Amendments

- F117** Sch. 1 rule 35 substituted (1.1.2007 for E.W.S. 1.7.2008 for N.I. for certain purposes) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 74**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F118** Sch. 1 rule 35(2A) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(3)**; S.I. 2008/1318, **art. 2**

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

- C121** Sch. 1 rule 35 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C122** 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**
- C123** 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**
- C124** 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, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**)
- C125** Sch. 1 rule 35 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**; and modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 8 para. 20(1)**)

#### Challenge of voter

- [<sup>F119</sup>36 A person shall not be prevented from voting by reason only that—
- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or
  - (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.]

#### Textual Amendments

- F119** Sch. 1 rule 36 substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 132**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(aa)(bb)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**

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

- C126** Sch. 1 rule 36 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C127** Sch. 1 rule 36 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C128** 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**
- C129** 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**

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**C130** 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, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

### *Voting procedure*

- [<sup>F120</sup>37(1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—
- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors shall be called out;
  - (b) the number of the elector shall be marked on the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him;
  - (c) a mark shall be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;
  - (d) the voter shall sign the list mentioned in rule 29(3)(e) beside the number of the elector marked on the list in accordance with sub-paragraph (b) above; 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) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).
- (3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), paragraph (1) above is modified as follows—
- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of this Act”;
  - (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of this Act”.
- (4) Paragraph (1)(d) above does not apply to a voter to whom rule 38 or 39 applies.
- (5) 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 number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.
- (6) 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.
- [<sup>F121</sup>(7) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting shall (despite the close of the poll) be entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.]]

### *Votes marked by presiding officer*

- 38 (1) [<sup>F122</sup>Subject to paragraph (1A) below, the] presiding officer, on the application of a voter—



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(a) who is incapacitated by blindness or other [<sup>F123</sup>disability] from voting in manner directed by these rules, or

(b) 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>F124</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.

[<sup>F125</sup>(3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, paragraph (2) above applies as if for "on the register of electors of every voter" there were substituted relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D).]

[<sup>F126</sup>(4) In the case of a person in respect of whom a notice has been issued under section 13BA(9), paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13BA(9)".]

#### Textual Amendments

**F122** Words substituted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 2\(3\)\(b\)](#)

**F123** Word in Sch. 1 rule 38(1)(a) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 47, 77](#), [Sch. 1 para. 77](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(w\)\(bb\)\(iii\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 4](#)

**F124** Sch. 1 rule 38(1A) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), [s. 1\(3\)](#)

**F125** Sch. 1 rule 38(3) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 11\(6\), 77](#), [Sch. 1 para. 35](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 paras. 2, 12\(b\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#))

**F126** Sch. 1 rule 38(4) inserted (14.5.2008) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), [ss. 30\(1\), 31](#), [Sch. 4 para. 6\(5\)](#); [S.I. 2008/1318](#), [art. 2](#)

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

**C133** Sch. 1 rule 38 applied (with modifications) (N.I.) by [S.I. 1986/2250](#), [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)

**C134** Sch. 1 rule 38 applied (E.W.S.) by [S.I. 1986/2209](#), [regs. 2, 3, 5\(1\)\(6\)–\(8\)](#), [Sch. 1 Pt. I](#)

**C135** 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](#)

**C136** 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](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\), 3](#), [Sch. 1](#))

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*[<sup>F127</sup> Voting by persons with disabilities]*

**Textual Amendments**

**F127** Sch. 1 rule 39 and preceding cross-heading substituted (16.2.2001) by 2000 c. 2, s. 13(1)(3); S.I. 2001/116, art. 2(1)

<sup>F128</sup>39(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other [<sup>F129</sup>disability], or
- (b) inability to read,

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 or in writing, whether he is so incapacitated by his blindness or [<sup>F130</sup>other disability], or by his inability to read, as to be unable to vote without assistance.

(2) [<sup>F131</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 voter with disabilities”) that the companion—
  - (i) is a qualified person within the meaning of this rule, and
  - (ii) has not previously assisted more than one voter with disabilities 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.

[ Paragraphs (1A) to (1G) of rule 37 shall apply in the case of a voter who applies <sup>F132</sup>(2A) 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 these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, [<sup>F133</sup>spouse, civil partner,] son or daughter of the 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 voters with disabilities 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.

[ In the case of a person in respect of whom a notice has been issued under <sup>F134</sup>(4A) section 13B(3B) or (3D) of this Act, paragraph (4) above applies as if for “in the

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register of electors of every voter” there were substituted relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D).]

[ In the case of a person in respect of whom a notice has been issued under <sup>F135</sup>(4B) section 13BA(9), paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9)”.]

(5) The declaration made by the companion—

- (a) shall be in the form in the Appendix; and
- (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

**F128** Sch. 1 rule 39 and preceding cross-heading substituted (16.2.2001) by 2000 c. 2, s. 13(1)(3); S.I. 2001/116, art. 2(1)

**F129** Word in Sch. 1 rule 39(1)(a) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 78(a); S.I. 2006/3412, art. 3, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4

**F130** Words in Sch. 1 rule 39(1) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 78(b); S.I. 2006/3412, art. 3, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4

**F131** Words in Sch. 1 rule 39(2) substituted (N.I.) (1.5.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 5(2)

**F132** Sch. 1 rule 39(2A) inserted (N.I.) (1.5.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 5(3)

**F133** Words in Sch. 1 rule 39(3)(b) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, Sch. 27 para. 85(4); S.I. 2005/3175, art. 2, Sch. 1

**F134** Sch. 1 rule 39(4A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, Sch. 1 para. 36; S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)

**F135** Sch. 1 rule 39(4B) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, Sch. 4 para. 6(6); S.I. 2008/1318, art. 2

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

**C137** Sch. 1 rule 39 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1; and modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), Sch. 8 para. 25)

#### *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>F136</sup>entitled to vote by post as proxy,

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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>F137</sup>(1ZA) Paragraph (1ZC) applies if —

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register,
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.

(1ZB) Paragraph (1ZC) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies,
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.

(1ZC) The person 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>F138</sup>(1ZD) Paragraph (1ZE) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register and who is also named in the postal voters list, or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(1ZE) The person 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>F139</sup>(1ZF) A person to whom a ballot paper is not delivered under paragraph (3) of rule 35 following his unsatisfactory answer to the question at entry 1(c) in the table in paragraph (1) of that rule shall, if he satisfactorily answers any other 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.]

[<sup>F140</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

- [ under paragraph (3) of rule 35 a ballot paper is not delivered to a person
- <sup>F141</sup>(a) following his unsatisfactory answer to the question in paragraph (1A) of that rule; or

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- (b)] 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”) [<sup>F142</sup>and the voter must sign the list opposite the entry relating to him].
- (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>F143</sup>(4A) This rule applies to an elector who has an anonymous entry subject to the following modifications—
- (a) in paragraphs (2)(b) and (3) the references to the name of the voter must be ignored;
  - (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).]

[<sup>F144</sup>(4B) This rule applies in the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) as if—

    - (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted in respect of whom a notice under section 13B(3B) or (3D) of this Act has been issued;
    - (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act;
    - (c) in paragraph (3) for “his number on the register of electors” there were substituted the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act.]

[<sup>F145</sup>(4C) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) as if—

      - (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) has been issued”;
      - (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”;
      - (c) in paragraph (3) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”.]

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- [<sup>F146</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.]
- [<sup>F147</sup>(7) This rule does not apply in relation to an elector who has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland.]

### Textual Amendments

- F136** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 11, 28, Sch. 2 para. 7, **Sch. 5**
- F137** Sch. 1 rule 40(1ZA)-(1ZC) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 38(1)**, 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**
- F138** Sch. 1 rule 40(1ZD)(1ZE) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 38(2)**, 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**
- F139** Sch. 1 rule 40(1ZF) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 81(2)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F140** Sch. 1 rule 40(1A)-(1C) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 1(5)**
- F141** Words in Sch. 1 rule 40(1B) inserted (N.I.) (1.12.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), **s. 2(4)**; S.I. 2002/1648, **art. 4**
- F142** Words in Sch. 1 rule 40(3) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 81(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F143** Sch. 1 rule 40(4A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, **Sch. 1 para. 14(5)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2)
- F144** Sch. 1 rule 40(4B) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, **Sch. 1 para. 37**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)
- F145** Sch. 1 rule 40(4C) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(7)**; S.I. 2008/1318, **art. 2**
- F146** Sch. 1 rule 40(5)(6) inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), **s. 1(6)**
- F147** Sch. 1 rule 40(7) inserted (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), **arts. 1(1), 3(7)**

### Modifications etc. (not altering text)

- C138** Sch. 1 rule 40 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C139** Sch. 1 rule 40 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- C140** 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**
- C141** 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, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

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*f<sup>F148</sup>Tendered postal ballot papers: anonymous entries in Northern Ireland*

**Textual Amendments**

**F148** Sch. 1 rule 40ZA inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), **3(8)**

- 40ZA.(1) This rule applies to a person (“P”) who—
- (a) is an elector with an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland; or
  - (b) is entitled to vote by post as proxy for such an elector, and who claims to have lost, or not received, a postal ballot paper.
- (2) P may apply to the Chief Electoral Officer for a replacement postal ballot paper (in these rules referred to as a “tendered postal ballot paper”).
- (3) The application—
- (a) may be made by post or in person,
  - (b) must be accompanied by a specified document within the meaning of rule 37 (as it extends to Northern Ireland), and
  - (c) must be delivered to the Chief Electoral Officer—
    - (i) where the application is made by post, before 4 p.m. on the fourth day before the day of the poll, and
    - (ii) where the application is made in person, before 4 p.m. on the day before the day of the poll.
- (4) If the Chief Electoral Officer—
- (a) is satisfied as to P’s identity, and
  - (b) has no reason to doubt that P has lost, or not received, a postal ballot paper, the Chief Electoral Officer must issue a tendered postal ballot paper to P in the prescribed manner.
- (5) A tendered postal ballot paper must be of a different colour from the other ballot papers.
- (6) P, if issued with a tendered postal ballot paper, may mark it, sign it, and send it to the Chief Electoral Officer, in the same manner as a postal ballot paper.
- (7) A tendered postal ballot paper which has not been signed, or which does not meet the conditions in rule 45(2) and (2A), is void.
- (8) On receipt of a tendered postal ballot paper, the Chief Electoral Officer must deal with it in the prescribed manner.
- (9) The Chief Electoral Officer must—
- (a) endorse each tendered postal ballot paper with the entry in the register of the elector in question, and
  - (b) set it aside in a separate packet of tendered postal ballot papers.
- (10) The Chief Electoral Officer must add the entry in the register of the elector in question to a list (in these rules referred to as the “tendered postal votes list”).
- (11) The Chief Electoral Officer must seal the packet of tendered postal ballot papers.

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- (12) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) (alteration of registers in Northern Ireland: pending elections) as if—
- (a) in paragraph (1) for “in a register maintained” there were substituted “in respect of whom a notice under section 13BA(9) has been issued”; and
  - (b) in paragraphs (9)(a) and (10), for “entry in the register of the elector in question” there were substituted “entry relating to the elector in question on a notice issued under section 13BA(9)”.]

*[<sup>F149</sup> Refusal to deliver ballot paper]*

**Textual Amendments**

**F149** Sch. 1 rule 40A inserted (N.I.) by Elections (Northern Ireland) Act 1985 (c. 2, SIF 42), s. 2(4)

[<sup>F150</sup>40A] 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**

**F150** 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)**

**C142** Sch. 1 rule 40A applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C143** 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)**

**C144** Sch. 1 rules 41, 42 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C145** 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

**C146** 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

**C147** Sch. 1 rule 41 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2



*Status: Point in time view as at 03/03/2020.*

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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)

### *f<sup>F151</sup> Correction of errors on day of poll*

#### **Textual Amendments**

**F151** 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.]

### *f<sup>F152</sup> Correction of errors on day of poll: Northern Ireland*

#### **Textual Amendments**

**F152** 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)**

**C148** 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—
- (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)**

**C149** Sch. 1 rules 41, 42 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C150** 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

**C151** 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

**C152** Sch. 1 rule 42 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2

*Status: Point in time view as at 03/03/2020.*

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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 [<sup>F153</sup>(including any marked copy notices issued under section 13B(3B) or (3D) of this Act)] and of the list of proxies,
  - [<sup>F154</sup>(da) the lists prepared under rule 19A, including the parts which were completed in accordance with rule 37(1)(b) and (d) (together referred to in these rules as “the completed corresponding number lists”);]
  - (e) <sup>F155</sup> . . . the certificates as to employment on duty on the day of the poll,
  - (f) the tendered votes list, the list of [<sup>F156</sup>voters with disabilities] 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 [<sup>F157</sup>“disability”] and “unable to read”, [<sup>F158</sup>the list maintained under rule 41A,] and the declarations made by the companions of [<sup>F156</sup>voters with disabilities],
- 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 [<sup>F159</sup>completed corresponding number lists or] 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.
- [<sup>F160</sup>(4) This rule applies in relation to Northern Ireland as if—
- (a) the reference in paragraph (1)(d) to the marked copies of the register of electors included any marked copy notices issued under section 13BA(9), and
  - (b) paragraph (1)(f) referred to the list maintained under rule 41B.]

**Textual Amendments**

**F153** Words in Sch. 1 rule 43(1)(d) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, Sch. 1 para. 39(a); S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)

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- F154** Sch. 1 rule 43(1)(da) inserted (1.1.2007 for E.W.S. for certain purposes and otherwise prosp.) by Electoral Administration Act 2006 (c. 22), ss. 31(4)(a), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(p) (subject to transitional provisions in art. 6, Sch. 2)
- F155** Words in Sch. 1 rule 43(1)(e) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(4)(b), 74(2), 77, Sch. 2; S.I. 2006/3412, art. 3, Sch. 1 para. 14(p)(aa)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F156** Words in rule 43(1)(f) substituted (16.2.2001) by 2000 c. 2, s. 13(1)(4); S.I. 2001/116, art. 2(1)
- F157** Word in Sch. 1 rule 43(1)(f) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 79; S.I. 2006/3412, art. 3, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F158** Words in Sch. 1 rule 43(1)(f) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, Sch. 1 para. 39(b); S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)
- F159** Words in Sch. 1 rule 43(2) substituted (1.1.2007 for E.W.S. for certain purposes and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(4)(c), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(p) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F160** Sch. 1 rule 43(4) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, Sch. 4 para. 6(9); S.I. 2008/1318, art. 2

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

- C153** Sch. 1 rules 43, 44 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C154** 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. I
- C155** 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
- C156** Sch. 1 rule 43 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 2  
Sch. 1 rule 43 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C157** Sch. 1 rule 43 applied (with modifications) (1.8.2001) by The Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599), art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1; and modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), Sch. 8 para. 29(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—
- the returning officer and his clerks,
  - the candidates and [F161 one other person chosen by each of them],
  - the election agents,
  - the counting agents,
  - [F162] persons who are entitled to attend by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.]

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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.
- [<sup>F163</sup>(6) In making arrangements under this rule, the returning officer shall have regard to the duty imposed on him by rule 45(3A) below.]

#### Textual Amendments

- F161** Words in [Sch. 1 rule 44\(2\)\(b\)](#) substituted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 85\(2\)](#); S.I. 2006/3412, [art. 5](#); S.I. 2008/1316, [arts. 2, 4](#)
- F162** [Sch. 1 rule 44\(2\)\(e\)](#) inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 85\(3\)](#); S.I. 2006/3412, [art. 5](#); S.I. 2008/1316, [arts. 2, 4](#)
- F163** [Sch. 1 rule 44\(6\)](#) inserted (8.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), [ss. 48\(2\)](#), 52

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

- C158** [Sch. 1 rules 43, 44](#) applied with modifications (N.I.) by S.I. 1986/2250, [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C159** [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. I](#)
- C160** [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](#)
- C161** [Sch. 1 rule 44](#) applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\), 3](#), [Sch. 1](#); and modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), [s. 19\(1\)](#), [Sch. 8 para. 35](#))
- C162** [Sch. 1 rule 44\(5\)](#) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, [art. 3\(1\)\(b\)\(6\)\(d\)\(7\)](#)

#### *The count*

- 45<sup>F164</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.

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- (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.]
- [<sup>F165</sup>(1B) A postal ballot paper shall not, in England, Wales or Scotland, be taken to be duly returned unless—
- (a) it is returned in the prescribed manner and reaches the returning officer or a polling station in the constituency before the close of the poll, <sup>F166</sup> . . .
  - (b) [<sup>F167</sup>the postal voting statement], duly signed <sup>F168</sup> . . . is also returned in the prescribed manner and reaches him or such a polling station before that time.]
  - [<sup>F169</sup>(c) the postal voting statement also states the date of birth of the elector or proxy (as the case may be), and
  - (d) in a case where steps for verifying the date of birth and signature of an elector or proxy have been prescribed, the returning officer (having taken such steps) verifies the date of birth and signature of the elector or proxy (as the case may be).]
- [<sup>F170</sup>(1C) A postal ballot paper or postal voting statement that reaches the returning officer or a polling station on or after the close of the poll is treated for the purposes of paragraph (1B) as reaching that officer or polling station before the close of the poll if it is delivered by a person who, at the close of the poll, is in the polling station, or in a queue outside the polling station, for the purpose of returning it.]
- (2) A postal ballot paper shall not [<sup>F171</sup>, in Northern Ireland,] be deemed to be duly returned unless
- [<sup>F172</sup>(a)] 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 [<sup>F173</sup>, and
  - (b) in the case of an elector, that declaration of identity states the date of birth of the elector and the returning officer is satisfied that the date stated corresponds with the date supplied as the date of the elector's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act.]
- [<sup>F174</sup>(2A) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of this Act [<sup>F175</sup>or section 6(1ZA) or 7(1ZA) of the Representation of the People Act 1985] applies, the declaration of identity referred to in paragraph (2) shall be taken not to be duly signed unless the returning officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's signature pursuant to [<sup>F176</sup>section 6(1)(bb) or (bba)(i) or 7(1)(bb) or (bba)(i) of the Representation of the People Act 1985].]
- (3) The returning officer shall not count any tendered ballot paper [<sup>F177</sup>or any tendered postal ballot paper].
- [<sup>F178</sup>(3A) The returning officer shall take reasonable steps to begin counting the votes given on the ballot papers as soon as practicable within the period of four hours starting with the close of the poll.]

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- (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 [<sup>F179</sup>or other unique identifying marks] 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 spoiled ballot papers in his possession and the tendered votes list [<sup>F180</sup>and tendered postal votes list] (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list [<sup>F180</sup>and tendered postal 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.
- [<sup>F181</sup>(8) The Electoral Commission shall issue guidance to returning officers on the duty imposed by paragraph (3A) above.]

#### Textual Amendments

- F164** 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**
- F165** Sch. 1 rule 45(1B) inserted (16.2.2001) by 2000 c. 2, s. 15(1)(4), **Sch. 6 para. 10(1)(4)(a)**; S.I. 2001/116, **art. 2(1)** (with art. 2(4))
- F166** Word in Sch. 1 rule 45(1B) omitted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by virtue of Electoral Administration Act 2006 (c. 22), ss. 47, 74(2), 77, **Sch. 1 para. 73(3)(a)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F167** Words in Sch. 1 rule 45(1B)(b) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 73(2)(a)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F168** Words in Sch. 1 rule 45(1B)(b) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 74(2), 77, Sch. 1 para. 73(2)(b), **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F169** Sch. 1 rule 45(1B)(c)(d) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 73(3)(b)**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F170** Sch. 1 rule 45(1C) inserted (22.5.2014) by The Electoral Registration and Administration Act 2013 (Commencement No.4 and Consequential Provision) Order 2014 (S.I. 2014/336), arts. 1(2)(b), **3**
- F171** Words in Sch. 1 rule 45(2) inserted (16.2.2001) by 2000 c. 2, s. 15(1), **Sch. 6 para. 10(1)(4)(b)**; S.I. 2001/116, **art. 2(1)** (with art. 2(4))

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- F172** Words in Sch. 1 rule 45(2) renumbered (N.I.) (1.12.2002) as Sch. 1 rule 45(2)(a) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 3(4)(c)(i); S.I. 2002/1648, {art. 4(1)} (with saving in art. 4(2))
- F173** Sch. 1 rule 45(2)(b) and preceding word inserted (N.I.) (1.12.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 3(4)(c)(i); S.I. 2002/1648, art. 4(1) (with saving in art. 4(2))
- F174** Sch. 1 rule 45(2A) inserted (N.I.) (1.12.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 3(4)(c)(ii); S.I. 2002/1648, art. 4(1) (with saving in art. 4(2))
- F175** Words in Sch. 1 rule 45(2A) inserted (31.5.2018) by The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), 2(7)(a)
- F176** Words in Sch. 1 rule 45(2A) substituted (31.5.2018) by The Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2018 (S.I. 2018/699), regs. 1(2), 2(7)(b)
- F177** Words in Sch. 1 rule 45(3) inserted (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 3(9)(i)
- F178** Sch. 1 rule 45(3A) inserted (8.4.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 48(3)(a), 52
- F179** Words in Sch. 1 rule 45(4) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 91; S.I. 2006/3412, art. 3, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 4
- F180** Words in Sch. 1 rule 45(5) inserted (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 3(9)(ii)
- F181** Sch. 1 rule 45(8) inserted (8.4.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 48(3)(b), 52

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

- C163** 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  
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  
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)**

- C164** 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  
**C165** 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

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

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

- C166** 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**
- C167** 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**
- C168** 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)**

- C169** 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**
- C170** 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



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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)**

**C171** 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**

**C172** 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
  - (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)**

**C173** Sch. 1 rule 50 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C174** 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**

**C175** 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 [<sup>F182</sup>an official designated for that purpose by a universal postal service provider who is providing a universal postal service (within the meaning of [<sup>F183</sup>Part 3 of the Postal Services Act 2011]) for the area in which the election is being held or to his deputy, provided that the official or deputy is at that time within the area concerned.]

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- (4) [<sup>F184</sup>The designated official] or his deputy shall send the writ so endorsed by the first post, free of charge, under cover to the Clerk of the Crown with the words “Election Writ and Return” endorsed on it.
- (5) Any reference in the foregoing provisions of this Part of these rules to the Clerk of the Crown shall be taken, in relation to an election for a constituency in Northern Ireland, as a reference to the Clerk of the Crown for Northern Ireland, but any writ returned to the Clerk of the Crown for Northern Ireland shall be transmitted by him to the Clerk of the Crown in England and the return shall be certified to the House of Commons in the same manner as returns for elections for constituencies in Great Britain.
- (6) A copy of each writ returned to the Clerk of the Crown for Northern Ireland and of the certificate endorsed on it shall be attested by the Secretary of State, shall be kept in the office of the Clerk of the Crown for Northern Ireland and may be given in evidence if the originals are lost.

#### Textual Amendments

**F182** Words in Sch. 1 rule 51(3) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para. 57(5)(a)

**F183** Words in Sch. 1 rule 51(3) substituted (1.10.2011) by Postal Services Act 2011 (c. 5), s. 93(2)(3), Sch. 12 para. 121; S.I. 2011/2329, art. 3

**F184** Words in Sch. 1 rule 51(4) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), Sch. 1 para 57(5)(b)

#### *Record of returns at Crown Office*

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

#### *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>F185</sup>not later than the next day after that on which] the result of the election is declared.
- [<sup>F186</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.

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- (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>F187</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

**F185** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 83(a)**

**F186** [Sch. 1 rule 53\(2A\)](#) inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 83(b)**

**F187** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 13(b)

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

**C176** [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**)

**C177** [Sch. 1 rule 53](#) applied (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**

#### <sup>F188</sup>Counting of votes: statement by returning officer

#### Textual Amendments

**F188** [Sch. 1 rule 53ZA](#) inserted (8.4.2010) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 48(4), 52**

- 53ZA (1) In a contested election, if the counting of the votes given on the ballot papers did not begin within the period specified in rule 45(3A) above, the returning officer shall before the expiry of the period of 30 days starting with the day on which the poll closed—
- (a) prepare and publish a statement giving the information specified in paragraph (2) below, and
  - (b) deliver it to the Electoral Commission.
- (2) The statement must—
- (a) specify the time at which the counting of the votes given on the ballot papers began,
  - (b) describe the steps taken under rule 45(3A) above, and
  - (c) explain why the counting of the votes given on the ballot papers did not start within the period specified in rule 45(3A) above.
- (3) Where a statement is delivered to the Electoral Commission under paragraph (1) (b) above, the Commission shall specify in any election report they produce that a statement has been delivered to them under that paragraph in respect of the constituency to which the statement relates.

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

## PART V

### DISPOSAL OF DOCUMENTS

#### *[<sup>F189</sup>Destruction of home address forms*

##### Textual Amendments

**F189** 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.
- <sup>F190</sup>(2) The returning officer shall not open the sealed packets of—
- (a) tendered ballot papers,
  - <sup>F191</sup>(aa) tendered postal ballot papers,]
  - (b) the completed corresponding number lists,
  - (c) certificates as to employment on duty on the day of the poll, or
  - (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of this Act) and lists of proxies.]
- <sup>F192</sup>(3) This rule applies in relation to Northern Ireland as if the reference in paragraph (2) (d) to section 13B(3B) or (3D) were a reference to section 13BA(9).]

##### Textual Amendments

**F190** Sch. 1 rule 54(2) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 31\(5\)](#), 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](#), 4

**F191** Sch. 1 rule 54(2)(aa) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(10\)](#)

**F192** Sch. 1 rule 54(3) inserted (14.5.2008) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), [ss. 30\(1\)](#), 31, [Sch. 4 para. 6\(10\)](#); S.I. 2008/1318, [art. 2](#)

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

- C178** Sch. 1 rules 54–57, 60 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C179** 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**
- C180** 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**
- C181** 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, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

#### *Delivery of documents to [F193] registration officer]*

#### Textual Amendments

- F193** Sch. 1 rule 55: words in heading substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 41(2), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(t) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3

- 55 (1) The returning officer shall then forward to the [F194]relevant registration officer] 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,
  - (c) the tendered votes lists, [F195]the tendered postal votes lists,] the lists of [F196]voters with disabilities] assisted by companions, the lists of votes marked by the presiding officer and the related statements, [F197]the lists maintained under rule 41A,] and the declarations made by the companions of [F196]voters with disabilities],
  - [F198](ca) the packets of the completed corresponding number lists,]
  - (d) the packets of [F199] . . . certificates as to employment on duty on the day of the poll,
  - (e) the packets containing marked copies of registers [F200](including any marked copy notices issued under section 13B(3B) or (3D) of this Act)] and [F201]of the postal voters list, of lists of proxies and of the proxy postal voters list] ,
  - [F202](f) such other documents relating to elections as are prescribed,]
- 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.
- [F203](1A) In this rule and in rules 56 and 57 references to the relevant registration officer are to—
- (a) the registration officer of the local authority in whose area the constituency is situated, or
  - (b) if the constituency comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered.
- [ Paragraph (1)(e) does not apply to an election for a constituency in Northern Ireland, F204(1B) but the returning officer shall endorse on each packet containing—

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- (a) marked copies of the registers,
- (b) the postal voters list,
- (c) the proxy postal voters list, and
- (d) lists of proxies,

a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held.]]

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

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

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

[<sup>F206</sup>(5) This rule applies in relation to Northern Ireland as if—

- (a) paragraph (1)(c) included a reference to the lists maintained under rule 41B, and
- (b) the reference in paragraph (1B)(a) to marked copies of the registers included any marked copy notices issued under section 13BA(9).]

#### Textual Amendments

**F194** Words in Sch. 1 rule 55(1) substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 41(3)(a), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(t) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3

**F195** Words in Sch. 1 rule 55(1)(c) inserted (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 3(11)

**F196** Words in rule 55(1)(c) substituted (16.2.2001) by 2000 c. 2, s. 13(1)(4); S.I. 2001/116, art. 2(1)

**F197** Words in Sch. 1 rule 55(1)(c) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, Sch. 1 para. 40(a); S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)

**F198** Sch. 1 rule 55(1)(ca) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(6)(a), 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, 4

**F199** Words in Sch. 1 rule 55(1)(d) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(6)(b), 77, Sch. 2; S.I. 2006/3412, art. 3, Sch. 1 para. 14(o)(aa) (cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts 2, 4

**F200** Words in Sch. 1 rule 55(1)(e) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, Sch. 1 para. 40(b); S.I. 2006/3412, art. 3, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)

**F201** Words in Sch. 1 rule 55(1)(e) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 45(3)(a), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(u) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts 2, 4

**F202** Sch. 1 rule 55(1)(f) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 45(3)(b), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(u) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts 2, 4

**F203** Sch. 1 rule 55(1A) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 41(3)(b), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(t) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3

**F204** Sch. 1 rule 55(1B) inserted (N.I.) (1.7.2008) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, Sch. 1 para. 95(2); S.I. 2008/1316, arts 2, 5

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**F205** Sch. 1 rule 55(2)-(4) repealed (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 41(3)(c), 74(2), 77, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(t)(aa)(cc)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**

**F206** Sch. 1 rule 55(5) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 6(11)**; S.I. 2008/1318, **art. 2**

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

**C182** Sch. 1 rules 54–57, 60 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C183** 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**

**C184** 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**  
Sch. 1 rule 55(1)(1B)(5) applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

*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 [F207relevant registration officer] , or
  - (b) for the opening of a sealed packet of [F208the completed corresponding number lists or of] 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 [F209the county court].
- (2) An order for the opening of a sealed packet of [F210the completed corresponding number lists or of] certificates or for the inspection of any counted ballot papers in the [F211relevant registration officer's] custody may be made by an election court.
- (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 [F212the completed corresponding number lists or of] 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 [F213the county court] under this rule.

*Status: Point in time view as at 03/03/2020.*

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- (5) Any power given under this rule—
- (a) to the High Court or, except in Northern Ireland, to [<sup>F214</sup>the 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 [<sup>F207</sup>relevant registration officer] 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.
- [<sup>F215</sup>(7) The production from proper custody of—
- (a) a ballot paper purporting to have been used at any election, and
  - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,
- shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors (or on a notice issued under section 13B(3B) or (3D) of this Act) at the time of the election contained the same number as the number written as mentioned in sub-paragraph (b).]
- (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 [<sup>F207</sup>relevant registration officer] or to open any sealed packets of [<sup>F216</sup>the completed corresponding number lists or of] certificates.

#### Textual Amendments

- F207** Words in Sch. 1 rule 56(1)(6)(8) substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 41(4)(a), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(t) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3
- F208** Words in Sch. 1 rule 56(1)(b) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(7)(a), 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, 4
- F209** Words in Sch. 1 rule 56(1) substituted (22.4.2014) (with a view to the inserted references to the county court including (as in other places in this Act) a county court in Northern Ireland) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 9 para. 52; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F210** Words in Sch. 1 rule 56(2) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(7)(b), 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, 4
- F211** Words in Sch. 1 rule 56(2) substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 41(4)(b), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(t) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3
- F212** Words in Sch. 1 rule 56(3) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 31(7)(c), 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, 4



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- F213** Words in [Sch. 1 rule 56\(4\)](#) substituted (22.4.2014) (with a view to the inserted references to the county court including (as in other places in this Act) a county court in Northern Ireland) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, [arts. 3-11](#))
- F214** Words in [Sch. 1 rule 56\(5\)\(a\)](#) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 52](#); S.I. 2014/954, [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in S.I. 2014/956, [arts. 3-11](#))
- F215** [Sch. 1 rule 56\(7\)](#) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 31\(7\)\(d\), 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, 4](#)
- F216** Words in [Sch. 1 rule 56\(8\)](#) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 31\(7\)\(e\), 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, 4](#)

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

- C185** [Sch. 1 rules 54–57, 60](#) applied with modifications (N.I.) by S.I. 1986/2250, [regs. 2, 3, 5](#), [Sch. 1 Pt. I](#)
- C186** [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](#)
- C187** [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) (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](#))
- C188** [Sch. 1 rule 56](#) applied (with modifications) (1.8.2001) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\), art. 3, Sch. 1](#) (as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\), 3](#), [Sch. 1](#); and modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\), s. 19\(1\), Sch. 8 paras. 38\(3\), 50\(7\)\(b\)](#))
- C189** [Sch. 1 rule 56](#) applied (with modifications) by [The Representation of the People \(Scotland\) Regulations 2001 \(S.I. 2001/497\), reg. 91A\(3\)](#) (as inserted (6.4.2014) by S.I. 2013/3206, [regs. 1\(3\)\(c\), 38](#))

#### *Retention and public inspection of documents*

- 57 (1) The [<sup>F217</sup>relevant registration officer] 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 [<sup>F218</sup>, the High Court, the Crown Court or a magistrates' court] , shall cause them to be destroyed.
- [<sup>F219</sup>(2) The documents mentioned in paragraphs (1) and (1A) except—
- (a) ballot papers,
  - (b) the completed corresponding number lists,
  - (c) certificates as to employment on duty on the day of the poll,
- shall be open to public inspection.]
- [<sup>F220</sup>(3) The relevant registration officer or the Chief Electoral Officer for Northern Ireland (as the case may be) must, on request, supply to any person copies of or extracts from such description of the documents open to public inspection as is prescribed by regulations.]
- [<sup>F221</sup>(4) Each of the following must, on request, be supplied with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list—
- (a) a registered party within the meaning of Part 2 of the Political Parties, Elections and Referendums Act 2000;

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- (b) a person who was a candidate at the election in relation to the constituency for which he was a candidate.
- (5) Regulations may impose conditions in relation to—
- (a) the inspection of any document in pursuance of paragraph (2);
  - (b) the supply of any document or part of a document in pursuance of paragraph (3);
  - (c) the supply of any document or part of a document in pursuance of paragraph (4).
- (6) Regulations may also make provision—
- (a) as to the form in which any such document or part is supplied;
  - (b) for the payment of a fee in respect of the supply of a document or part.
- (7) Conditions which may be imposed for the purposes of paragraph (5)(a) or (b) include conditions as to—
- (a) whether a person may take any copy of a document he is permitted to inspect;
  - (b) the manner in which any such copy is to be taken;
  - (c) the purposes for which information contained in any document or part of a document which is inspected or supplied in pursuance of paragraph (2) or (3) may be used.
- (8) Conditions which may be imposed for the purposes of paragraph (5)(b) or (c) include conditions as to the extent to which a person to whom a document or part of a document has been supplied may—
- (a) supply that document or part to any other person;
  - (b) disclose to any other person any information contained in the document or part;
  - (c) use any such information for a purpose other than that for which the document or part was supplied to him.
- (9) Regulations may also impose conditions corresponding to those mentioned in paragraph (8) in respect of persons who have obtained a document or part of a document mentioned in paragraph (4)—
- (a) which was supplied to another person in pursuance of paragraph (4), or
  - (b) otherwise than in accordance with regulations under this section.]

*Disposal of documents in Scotland*

[<sup>F222</sup>58(1) This rule modifies rules 55 to 57 in relation to elections in Scotland.

- (2) In relation to such elections—
- (a) the documents mentioned in rule 55(1)—
    - (i) are not to be forwarded by the returning officer as required by that rule,
    - (ii) instead, are to remain in the returning officer's custody (and be endorsed by the officer as required by that rule);
  - (b) the references in rules 56 and 57 to the relevant registration officer are to be read as references to the returning officer (and rule 55(1A) is to be disregarded);

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- (c) the reference in rule 57(1) to the documents to be retained is to be read as a reference to the documents remaining in the returning officer's custody under sub-paragraph (a)(ii).]

#### Textual Amendments

**F222** Sch. 1 rule 58 substituted (26.3.2010) by [Political Parties and Elections Act 2009 \(c. 12\)](#), **ss. 25(b)**, 43(1); [S.I. 2010/969](#), **art. 2(a)** (with **art. 3**)

#### *Disposal of documents in Northern Ireland*

- [<sup>F223</sup>59 In the application of rules 55 to 57 to elections for a constituency in Northern Ireland, the references to the relevant registration officer shall be taken to be references to the Clerk of the Crown for Northern Ireland.]

#### Textual Amendments

**F223** Sch. 1 rule 59 substituted (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 41(7)**, 77; [S.I. 2008/1316](#), **arts. 2, 5**

## PART VI

### DEATH OF CANDIDATE

#### *[<sup>F224</sup>Independent candidate*

#### Textual Amendments

**F224** 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**

- 60 (1) This rule applies 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 in the ballot papers as an independent candidate has died.
- (2) Subject to this rule and rules 61 and 62, these rules apply to the election as if the candidate had not died.
- (3) The following provisions of these rules do not apply in relation to the deceased candidate—
- rule 32(1)(c) and (d) (admission to polling station);
  - rule 44(2)(b) to (d) (attendance at count);
  - rule 53(4) (forfeiture of deposit).
- (4) If only two persons are shown as standing nominated in the statement of persons nominated the returning officer must—
- if polling has not begun, countermand the notice of poll;
  - if polling has begun, direct that the poll is abandoned;

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(c) subject to rule 65, treat the election as an uncontested election.

(5) For the purposes of this rule a person is named or to be named on the ballot papers as an independent candidate if the description (if any) on his nomination paper is not authorised as mentioned in rule 6A(1) or (1B).

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

**C193** Sch. 1 rule 60 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)

*Deceased independent candidate wins*

- 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—
- (a) declare that the majority of votes has been given to the deceased candidate,
  - (b) declare that no member is returned, and
  - (c) 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 [<sup>F225</sup>21] working days after the day on which the writ is taken to have been received and ends [<sup>F226</sup>27] 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).

**Textual Amendments**

**F225** Word in Sch. 1 rule 61(9) substituted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), ss. 14(5)(a), 27(1); S.I. 2014/414, art. 3(a) (with art. 4)

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**F226** Word in Sch. 1 rule 61(9) substituted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), ss. 14(5)(b), 27(1); S.I. 2014/414, art. 3(a) (with art. 4)

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

**C194** 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)

*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)**

**C195** 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)

*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.
- (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.

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- (9) The poll must be held on a day in the period which starts [<sup>F227</sup>21] working days after the day on which the writ is taken to have been received and ends [<sup>F228</sup>27] 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).

#### Textual Amendments

**F227** Word in Sch. 1 rule 63(9) substituted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 14\(5\)\(a\)](#), 27(1); S.I. 2014/414, art. 3(a) (with art. 4)

**F228** Word in Sch. 1 rule 63(9) substituted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 14\(5\)\(b\)](#), 27(1); S.I. 2014/414, art. 3(a) (with art. 4)

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

**C196** 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](#))

#### *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.
- (6) The poll must be held on a day in the period which starts [<sup>F229</sup>21] working days after the day on which the writ is taken to have been received and ends [<sup>F230</sup>27] working days after that day.

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- (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).

#### Textual Amendments

- F229** Word in [Sch. 1 rule 64\(6\)](#) substituted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 14\(5\)\(a\)](#), 27(1); S.I. 2014/414, art. 3(a) (with art. 4)
- F230** Word in [Sch. 1 rule 64\(6\)](#) substituted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 14\(5\)\(b\)](#), 27(1); S.I. 2014/414, art. 3(a) (with art. 4)

#### *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)

- C197** [Sch. 1 rule 65](#) applied (with modifications) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), art. 3, [Sch. 1](#) (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, [Sch. 1](#); and modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), [Sch. 8 para. 40](#))

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## APPENDIX OF FORMS

### Modifications etc. (not altering text)

- C198** 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)**
- C199** 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**
- C200** 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, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

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

### *Form of writ*

\*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

‡Whereas by [<sup>F231</sup>section 3(1) of the Fixed-term Parliaments Act 2011 Parliament has dissolved] 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  
 [<sup>F232</sup>[‡]]

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

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

‡*This preamble to be omitted except in case of a general election.*

[<sup>F232</sup>‡*Except in a general election insert here (as applicable): “ as a result of a successful recall petition under the Recall of MPs Act 2015 ” or “in the place of [A.B.], deceased” or otherwise, stating the cause of vacancy.*]

### Textual Amendments

- F231** Words in Sch. 1 Appendix of Forms substituted (15.9.2011) by Fixed-term Parliaments Act 2011 (c. 14), s. 7(2), **Sch. para. 13** (with s. 6)
- F232** Words in Sch. 1 Appendix of Forms substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 6 para. 1(2)**; S.I. 2016/290, reg. 2

### *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.



*Status: Point in time view as at 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)*

*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

(Signed)

Returning Officer (or as the case may be.)

[<sup>F233</sup>Note: in relation to any constituency in Wales, “county” in this form refers to a preserved county (as defined by section 64 of the Local Government (Wales) Act 1994).]

**Textual Amendments**

**F233** Sch. 1 Appendix of Forms, Form of certificate to be endorsed on writ: words inserted (1.4.1996) by 1994 c. 19, s. 1(3), **Sch. 2 para. 12(2)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/3198, art. 3, **Sch. 1**

<sup>F234</sup>*Form of notice of election*

**Textual Amendments**

**F234** 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.

<sup>F235</sup> <sup>F236</sup> Candidate's surname	Other names in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any)
SULLIVAN	Arthur Seymour	GILBERT	W. S.	Independent]

*Status: Point in time view as at 03/03/2020.*

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### Textual Amendments

**F235** Sch. 1 Appendix of Forms, Form of nomination paper: in first Table following the words "candidate at the said election", the final column (home address) is repealed (4.9.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1), [Sch. 6 para. 8\(6\)\(a\)](#), [Sch. 7](#); S.I. 2009/2395, [art. 2](#) (with [art. 3](#))

**F236** Sch. 1 Appendix of Forms, Form of nomination paper: Table substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 21\(4\)](#), 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

### 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

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### 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 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.

- [<sup>F237</sup>2A] Where a candidate commonly uses a name which is different from any other name he has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.

*Status: Point in time view as at 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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**

**F237** 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

- 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**

**F237** 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

**F238** . . . . .

**Textual Amendments**

**F238** Sch. 1 Appendix of Forms, Form of nomination paper: Note 3 repealed (16.2.2001) by [2000 c. 2](#), [ss. 8\(a\)](#), 15(2), Sch. 1 para. 23(3)(a), [Sch. 7 Pt. I](#); S.I. 2001/116, [art. 2\(1\)](#) (with [art. 2\(4\)](#))

- 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 <sup>F239</sup> . . . 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.

**Textual Amendments**

**F239** Sch. 1 Appendix of Forms, Form of nomination paper: words in Note 5 omitted (16.2.2001) by virtue of [2000 c. 2](#), s. 8(a), [Sch. 1 para. 23\(3\)\(b\)](#) and the words "electors lists" repealed (16.2.2001) by [2000 c. 2](#), s. 15(2), [Sch. 7 Pt. I](#); S.I. 2001/116, [art. 2\(1\)](#) (with [art. 2\(4\)](#))

*Form of Ballot Paper*

**F240** Form of Front of Ballot Paper

**Textual Amendments**

**F240** Sch. 1 Form of Front of Ballot Paper substituted (10.3.2015) by [The Representation of the People \(Ballot Paper\) Regulations 2015 \(S.I. 2015/656\)](#), regs. 1(1), 2, [Sch. 1](#) (with reg. 1(2))

*Status: Point in time view as at 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)*

**Election of the Member of Parliament  
[of constituency] constituency**

**Vote for only one candidate by putting  
box next to your choice**

**BASWRA, Paresh**

2 The Cottages, Anytown XY8 9JG

**Liberal Democrat**

**CRANLEY, Alana**

4 The Walk, Anytown XY9 5JJ

**Green Party**

**EDGBASTON, Richard**

(address in the Birmingham Northfield Constituency)

**The Common Good Party**

**GUNNIL-WALKER, Roger**

33 The Lane, Anytown XY6 3GD

**The Labour Party Candidate**

**SMITH, Catherine Angelina**

21 The Grove, Anytown XY2 5JP

**Independent**

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*Status: Point in time view as at 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)*

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## <sup>F241</sup>Form of Back of Ballot Paper

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### Textual Amendments

**F241** Sch. 1 Form of Back of Ballot Paper substituted (10.3.2015) by [The Representation of the People \(Ballot Paper\) Regulations 2015 \(S.I. 2015/656\)](#), regs. 1(1), 3, **Sch. 1** (with reg. 1(2))

*Status: Point in time view as at 03/03/2020.*

**Changes to legislation:** *Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)*

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Number

*[Other unique identifying mark]*

United Kingdom Parliamentary election in the constituency of *[insert name of constituency]*

on..... 20....

*Status: Point in time view as at 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)*

*f<sup>F242</sup> Directions as to printing the ballot paper*

**Textual Amendments**

**F242** Sch. 1 Directions as to printing the ballot paper substituted (10.3.2015) by [The Representation of the People \(Ballot Paper\) Regulations 2015 \(S.I. 2015/656\)](#), regs. 1(1), 4, **Sch. 2** (with reg. 1(2))

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as is practicable, the arrangements set out in paragraphs 3 to 13 must be observed in the printing of the ballot paper.
3. No word may be printed on the face except:
  - (a) the heading “Election of the Member of Parliament for the ..... constituency”;
  - (b) within that heading, the name of the constituency;
  - (c) the direction “Vote for only one candidate by putting a cross [X] in the box next to your choice”;
  - (d) the particulars of the candidates; and
  - (e) words forming part of the emblems mentioned at paragraph 10 below.
4. A box must be printed around:
  - (a) the heading and name referred to in paragraph 3(a) and (b); and
  - (b) the direction referred to in paragraph 3(c);and the direction referred to in paragraph 3(c) must be separated from the heading and name referred to in paragraph 3(a) and (b) by a horizontal rule extending across the box.
5. No rule may be printed on the face except:
  - (a) as part of the box referred to in paragraph 4;
  - (b) the horizontal rule referred to in that paragraph;
  - (c) a horizontal rule above the particulars of the first candidate;
  - (d) horizontal rules separating the particulars of the candidates from one another;
  - (e) a horizontal rule below the particulars of the last candidate;
  - (f) as part of the boxes on the right-hand side of the ballot paper where the vote is to be marked.
6. The horizontal rules referred to in paragraph 5(c), (d) and (e) must be equally spaced and the space between each of them must be a minimum of 2.5 centimetres.
7. The boxes referred to in paragraph 5(f) must not touch any horizontal rule and each one must be equidistant between the horizontal rule above it and the horizontal rule below it.
8. Each of the horizontal rules referred to in paragraph 5(c) and (d) must extend from a point level with the text on the left-hand side of the page to a point directly above the centre of the box below that rule.
9. The horizontal rule referred to in paragraph 5(e) must:
  - (a) extend from a point level with the text on the left-hand side of the page to a point directly below the right-hand edge of the box above that rule; and
  - (b) be thicker than the other horizontal rules.

*Status: Point in time view as at 03/03/2020.*

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10. Where a registered emblem is to be printed against a candidate's particulars:
  - (a) it must be printed adjacent to and to the right of the candidate's particulars; and
  - (b) its size as printed must not exceed 2 centimetres square.
11. All the words on the front of the ballot paper must appear in the same large type except that:
  - (a) the heading and name referred to in paragraph 3(a) and (b) must appear in very large and bold type;
  - (b) in the direction referred to in paragraph 3(c), the words "only one candidate" must appear in very large and bold type;
  - (c) the remainder of that direction must appear in very large type;
  - (d) the names of the candidates and the descriptions, if any, must appear in bold type.
12. The surname of each candidate must appear in capitals and the candidates' other names must be in lower case with initial capitals.
13. The number and other unique identifying mark must be printed close to each other on the back of the ballot paper.]

*[<sup>F243</sup>Form of directions for the guidance of the voters in voting*

#### GUIDANCE FOR VOTERS

##### Textual Amendments

**F243** Sch. 1 Appendix of Forms: Form of directions for the guidance of the voters in voting substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 93\(3\)](#); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, [arts. 2, 4](#)

- 1 When you are given a ballot paper 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.
- 2 Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted. Do not let anyone see your vote.
- 3 Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark. Put the ballot paper in the ballot box and leave the polling station.
- 4 If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.]

*Form of declaration to be made by the companion of a [<sup>F244</sup>voter with disabilities]*

##### Textual Amendments

**F244** Sch. 1 Appendix of Forms: words in Form of declaration to be made by the companion of a blind voter substituted (16.2.2001) by [2000 c. 2, s. 13\(1\)\(4\)\(a\)](#); S.I. 2001/116, [art. 2\(1\)](#)



*Status: Point in time view as at 03/03/2020.*

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*\*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* <sup>F245</sup>*voter with disabilities*) *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 <sup>F246</sup>*voter with disabilities*] [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.]

<sup>F247</sup>*NOTE 1.* 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.

<sup>F248</sup>*2.* A voter with disabilities is a voter who has made a declaration under the parliamentary elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.]

#### Textual Amendments

**F245** Appendix of forms: words in “form of declaration to be made by the companion of a blind person” substituted (16.2.2001) by 2000 c. 2, s. 13(1)(4)(a); S.I. 2001/116, art. 2(1)

**F246** Appendix of forms: words in “form of declaration to be made by the companion of a blind person” substituted (16.2.2001) by 2000 c. 2, s. 13(1)(4)(a); S.I. 2001/116, art. 2(1)

**F247** Sch. 1 Appendix of Forms, Form of declaration to be made by the companion of a blind voter: Note renumbered as Note 1(16.2.2001) by 2000 c. 2, s. 13(5)(b); S.I. 2001/116, art. 2(1)

**F248** Sch. 1 Appendix of Forms, Form of declaration to be made by the companion of a blind voter: Note 2 inserted (16.2.2001) by 2000 c. 2, s. 13(5)(b); S.I. 2001/116, art. 2(1)

## 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<sup>F249</sup>, Welsh county or county borough] or London borough.
- (2) Provisions authorising <sup>F250</sup>or requiring] a registration officer to require persons to give information required for the purpose of his registration duties <sup>F251</sup>or to make declarations of any prescribed description as to matters relevant to their entitlement to be registered.]

*Status: Point in time view as at 03/03/2020.*

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[<sup>F252</sup>(2A) Provision made under sub-paragraph (2) authorising or requiring a registration officer in Great Britain to—

- (a) require a person who has made an application under section 10ZC or 10ZD to provide evidence that he or she is the person named in the application, or
- (b) require a person who has made an application under section 10ZC or 10ZD, or any person who has an entry in a register, to provide evidence for the purpose of enabling the officer to determine whether a person is entitled to be registered in a register maintained by the officer,

must specify the kind of evidence that a person may be required to provide (for examples, see paragraph 3ZA(5)).

(2B) Provision of the kind mentioned in sub-paragraph (2A) may authorise or require the registration officer to require a person to provide the evidence to a registration officer or to some other prescribed person (or person of a prescribed description).]

[<sup>F253</sup>(3) Provisions authorising a registration officer, where—

- (a) he has [<sup>F254</sup>by virtue of regulations under sub-paragraph (2) required] any person registered in one of his registers to give him information, or to make any declaration, for the purpose of enabling him to determine whether the person is entitled to be so registered [<sup>F255</sup>or to determine whether the person is the person who made the application under section 10ZC or 10ZD], and
- (b) the person has not within the prescribed period complied with that requirement in a manner which the officer considers satisfactory (or at all),

to remove the person’s [<sup>F256</sup>entry] from the register.

(4) Provisions authorising a registration officer to inspect, for the purpose of his registration duties, records kept (in whatever form) by—

- (a) any local or public authority of any prescribed description, or
- (b) any person providing services to, or authorised to exercise any function of, any such authority,

and to make copies of information contained in such records.

<sup>F257</sup>(4A) . . . . .

<sup>F257</sup>(4B) . . . . .

(5) Provisions made under sub-paragraph (4) <sup>F258</sup>... above shall have effect despite any statutory or other restriction on the disclosure of information.]

<sup>F259</sup>(6) . . . . .

<sup>F259</sup>(7) . . . . .

<sup>F259</sup>(8) . . . . .

**Textual Amendments**

**F249** Words in Sch. 2 para. 1(1) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(18)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

**F250** Words in Sch. 2 para. 1(2) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 20(2)(a)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)

*Status: Point in time view as at 03/03/2020.*

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- F251** Words in Sch. 2 para. 1(2) inserted (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, **Sch. 1 para. 24(1)(2)**; S.I. 2001/116, **art. 2(1)(2)**(with 2(4))
- F252** Sch. 2 para. 1(2A)(2B) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 2(2), 27(1)** (with Sch. 5); S.I. 2014/414, **art. 5(b)**; S.I. 2014/2439, **art. 2(b)**
- F253** Sch. 2 para. 1(3)-(5) inserted (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 8, **Sch. 1 para. 24(1)(3)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F254** Words in Sch. 2 para. 1(3)(a) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 20(2)(b)(i)** (with Sch. 5); S.I. 2014/414, **art. 5(m)**; S.I. 2014/2439, **art. 2(l)**
- F255** Words in Sch. 2 para. 1(3)(a) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 20(2)(b)(ii)** (with Sch. 5); S.I. 2014/414, **art. 5(m)**; S.I. 2014/2439, **art. 2(l)**
- F256** Word in Sch. 2 para. 1(3) substituted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 10(2), 77, Sch. 1 para. 15(2)**; S.I. 2006/3412, **art. 3, Sch. 1 para. 1, 12(a)** (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), **arts. 1(1), 2(2)**)
- F257** Sch. 2 para. 1(4A)(4B) omitted (13.3.2014) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 20(2)(a)(i), 28(1)(e)**
- F258** Words in Sch. 2 para. 1(5) omitted (13.3.2014) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 20(2)(a)(ii), 28(1)(e)**
- F259** Sch. 2 para. 1(6)-(8) omitted (13.3.2014) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 20(2)(a)(iii), 28(1)(e)**

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

- C201** Sch. 2 para. 1(2)-(5) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **ss. 2, 13(6), Sch. 1 Pt. I** (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>F260</sup>1A(1) Provision authorising or requiring a person to disclose information to another person for the purpose of assisting a registration officer <sup>F261</sup>...—
- (a) to verify information relating to a person who is registered in a register maintained by the officer or who is named in an application for registration in, or alteration of, a register,
  - (b) to ascertain the names and addresses of people who are not registered but who are entitled to be registered, or
  - (c) to identify those people who are registered but who are not entitled to be registered.
- (2) Provision made under sub-paragraph (1) may authorise or require the person to whom the information is disclosed—
- (a) to compare it with other information;
  - (b) to disclose the results of the comparison to a registration officer for the purpose mentioned in that sub-paragraph.
- (3) The provision that may be made under sub-paragraph (1) or (2) includes provision—
- (a) conferring other functions on a person;
  - (b) authorising the Secretary of State to make grants to a person on whom functions are conferred;
  - (c) authorising a person to disclose or otherwise process information only in accordance with an agreement;

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- (d) authorising or requiring a person to disclose or otherwise process information only in accordance with requirements imposed by the Secretary of State;
  - (e) regulating the manner in which information is disclosed;
  - (f) requiring the retention or disposal, or otherwise regulating the processing, of information disclosed.
- (4) Provision made under this paragraph has effect despite any statutory or other restriction on the disclosure of information.
- (5) In this paragraph “processing” has the same meaning as in [<sup>F262</sup>Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act)].

#### Textual Amendments

- F260** Sch. 2 para. 1A inserted (5.2.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 2 para. 2](#) (with [Sch. 5](#)); S.I. 2013/219, art. 2(c)(d)
- F261** Words in Sch. 2 para. 1A(1) omitted (13.3.2014) by virtue of [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 20\(2\)\(b\), 28\(1\)\(e\)](#)
- F262** Words in Sch. 2 para. 1A(5) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 18\(2\)](#) (with [ss. 117, 209, 210](#)); S.I. 2018/625, reg. 2(1)(g)

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

- C202** Sch. 2 para. 1A: function exercisable by the Scottish Ministers concurrently with a Minister of the Crown (20.3.2015) by [The Scotland Act 1998 \(Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.\) Order 2015 \(S.I. 2015/692\), arts. 2, 5\(3\)\(b\)](#) (with art. 6)

- [<sup>F263</sup>1B(1) Provision as to the information that a registration officer may or must require persons to give by virtue of regulations under paragraph 1(2), or must provide to persons, when conducting a canvass in Great Britain (whether as part of a canvass form [<sup>F264</sup>or communication] or otherwise).
- (2) Provision authorising or requiring a registration officer in Great Britain to complete canvass forms in part for people.
- (3) Provision as to the form and contents of declarations to be made by those responding to a canvass in Great Britain.]

#### Textual Amendments

- F263** Sch. 2 para. 1B inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 4 para. 20\(3\)](#) (with [Sch. 5](#)); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(1)
- F264** Words in Sch. 2 para. 1B(1) inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\), regs. 1\(3\), 5\(2\)](#)

- 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.

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#### Marginal Citations

M7 1974 c. 23.

[<sup>F265</sup>2A Provisions requiring registration officers to remind persons registered in pursuance of [<sup>F266</sup>declarations or applications of any prescribed description of the need to make fresh declarations or applications in order for them to remain registered.]]

#### Textual Amendments

**F265** Sch. 2 para. 2A inserted by [Representation of the People Act 1989 \(c. 28, SIF 42\), s. 5](#)

**F266** Words in Sch. 2 para. 2A substituted (29.1.2001 for certain purposes and otherwise 16.2.2001) by [2000 c. 2, s. 8, Sch. 1 para. 24\(4\)](#); [S.I. 2001/116, art. 2\(1\)](#), (2) (with art. 2(3)-(5))

[<sup>F267</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

**F267** 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) (amendment extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), 2(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)

**C203** Sch. 2 para. 3 extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 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))

[<sup>F268</sup>3Z(A) Provision about applications under section 10ZC or 10ZD, including in particular provision about—

- (a) the form and contents of applications and of any declarations to be made in connection with them;
- (b) the manner in which applications are to be made.

(2) Provision made under sub-paragraph (1) may include provision—

- (a) conferring functions on registration officers, or local or public authorities, to enable applications to be made in a particular manner;
- (b) conferring other functions on registration officers;
- (c) conferring functions on the Electoral Commission.

(3) Provision requiring a person making an application under section 10ZC or 10ZD—

- (a) to provide evidence that he or she is the person named in the application;

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- (b) to provide evidence of entitlement to be registered.
- (4) Provision made under sub-paragraph (3) must specify the kind of evidence that a person is required to provide.
- (5) Examples of the evidence that may be specified include a person's date of birth or national insurance number.
- (6) Provision made under sub-paragraph (3) may require a person to provide the evidence to a registration officer or to some other prescribed person (or person of a prescribed description).]

#### Textual Amendments

**F268** Sch. 2 para. 3ZA inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 2\(3\), 27\(1\) \(with Sch. 5\); S.I. 2014/414, art. 5\(b\); S.I. 2014/2439, art. 2\(b\)](#)

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

**C204** Sch. 2 para. 3ZA: function exercisable by the Scottish Ministers concurrently with a Minister of the Crown (20.3.2015) by [The Scotland Act 1998 \(Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.\) Order 2015 \(S.I. 2015/692\), arts. 2, 5\(3\)\(b\) \(with art. 6\)](#)

[<sup>F269</sup>3A Provisions as to the form and contents of applications for registration [<sup>F270</sup>in Northern Ireland], including provisions as to any declarations to be made in connection with them.]

#### Textual Amendments

**F269** 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\(4\)\)](#)

**F270** Words in Sch. 2 para. 3A inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 4 para. 20\(4\) \(with Sch. 5\); S.I. 2014/414, art. 5\(m\); S.I. 2014/2439, art. 2\(l\)](#)

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

**C205** 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\(4\)\)](#)

[<sup>F271</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.]

#### Textual Amendments

**F271** 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\(a\) \(subject to transitional provisions in art. 6, Sch. 2\) \(amendment extended to N.I. \(15.9.2014\) by The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\), arts. 1\(1\), 2\(2\)\)](#)

[<sup>F272</sup>3C(1) Provision authorising or requiring a registration officer conducting a canvass [<sup>F273</sup>for the purposes of a register of local government electors in [<sup>F274</sup>Scotland [<sup>F275</sup>or]

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Wales]] to take specified steps for the purpose of obtaining information where no response is received in respect of a particular address.

[<sup>F276</sup>(1A) purposes of a register of parliamentary electors in Great Britain, or a register of local government electors in England [<sup>F277</sup>or in Scotland][<sup>F278</sup>or in Wales]—

- (a) to take specified steps for the purpose of obtaining any information that a registration officer may or must require persons to give by virtue of regulations under paragraph 1B(1) in respect of a particular address,
- (b) to take specified steps for the purpose of obtaining information where no response is received in respect of a particular address.]

(2) Provision authorising or requiring a registration officer in Great Britain to take specified steps to encourage a person to make an application under section 10ZC or 10ZD in response to an invitation to do so made by the officer.

(3) Examples of the steps that a registration officer may be authorised or required to take under sub-paragraph (1)[<sup>F279</sup>, (1A)] or (2) include writing to the person or visiting the person's address to speak to the person.]

#### Textual Amendments

- F272** Sch. 2 para. 3C inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 4 para. 20\(5\)](#) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F273** Words in Sch. 2 para. 3C(1) substituted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\), regs. 1\(3\), 5\(3\)\(a\)](#)
- F274** Words in Sch. 2 para. 3C(1) omitted (S.) (3.3.2020) by virtue of [The Representation of the People \(Annual Canvass\) Amendment \(Scotland\) Order 2020 \(S.S.I. 2020/62\), arts. 1\(1\), 5\(a\)](#)
- F275** Words in Sch. 2 para. 3C(1) omitted (E.W.) (22.1.2020) by virtue of [The Representation of the People \(Annual Canvass\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/50\), regs. 2, 6\(a\)](#)
- F276** Sch. 2 para. 3C(1A) inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\), regs. 1\(3\), 5\(3\)\(b\)](#)
- F277** Words in Sch. 2 para. 3C(1A) inserted (S.) (3.3.2020) by [The Representation of the People \(Annual Canvass\) Amendment \(Scotland\) Order 2020 \(S.S.I. 2020/62\), arts. 1\(1\), 5\(b\)](#)
- F278** Words in Sch. 2 para. 3C(1A) inserted (E.W.) (22.1.2020) by [The Representation of the People \(Annual Canvass\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/50\), regs. 2, 6\(b\)](#)
- F279** Words in Sch. 2 para. 3C(3) inserted (31.12.2019) by [The Representation of the People \(Annual Canvass\) \(Amendment\) Regulations 2019 \(S.I. 2019/1451\), regs. 1\(3\), 5\(3\)\(c\)](#)

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>F280</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

- F280** Sch. 2 para. 4(2) inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 4\(7\)\(a\)](#)

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

**C206** 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. 1** (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>F281</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.]

[<sup>F282</sup>(1B) Provisions as to the evidence which shall or may be deemed sufficient or conclusive evidence that a person's safety would be at risk as mentioned in section 9B(10) of this Act.]

(2) Provisions as to the evidence of age or nationality which may be required [<sup>F283</sup>by the Chief Electoral Officer for Northern Ireland] 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>F284</sup>(4) .....

#### Textual Amendments

**F281** Sch. 2 para. 5(1A) inserted by [Representation of the People Act 1985](#) (c. 50, SIF 42), s. 4(7)(b)

**F282** Sch. 2 para. 5(1B) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006](#) (c. 22), ss. 10(2), 77, **Sch. 1 para. 15(5)**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2) (extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014](#) (S.I. 2014/1116), arts. 1(1), **2(2)**)

**F283** Words in Sch. 2 para. 5(2) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013](#) (c. 6), s. 27(1), **Sch. 4 para. 20(6)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(1)

**F284** 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)

**C207** 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. 1** (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)**))

[<sup>F285</sup>5A(1) Provision requiring applications under [<sup>F286</sup>paragraph 3 or 4 of Schedule 4 to the Representation of the People Act 2000 or]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 [<sup>F286</sup>paragraph 4 of Schedule 4 to the Representation of the People Act 2000 or]section 7 of the Representation of the People Act 1985 to do so in person, producing a document of a prescribed description.



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- (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 [<sup>F286</sup>paragraph 3(4) of Schedule 4 to the Representation of the People Act 2000 or]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

**F285** Sch. 2 para. 5A inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 8**

**F286** Words in Sch. 2 para. 5A(1)(2)(4) inserted (29.1.2001 for certain purposes and otherwise 16.2.2001) by [2000 c. 2, s. 15](#), **Sch. 6 para. 11(2)**; S.I. 2001/116, **art. 2(1)(2)** (with ss. 2(4))

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

**C208** 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** (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)))

**C209** 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**

[<sup>F287</sup>5B(1) Provision as to the steps that a registration officer in Great Britain must take, before appointing a person as proxy to vote for another, to ensure that the appointment complies with paragraph 6(3) or (3A) of Schedule 4 to the Representation of the People Act 2000.

- (2) Provision under sub-paragraph (1) may require another registration officer (including the Chief Electoral Officer for Northern Ireland) to provide information about whether the person has or will have an entry in a register maintained by that officer.]

#### Textual Amendments

**F287** Sch. 2 para. 5B inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), **Sch. 4 para. 20(7)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(1)

- 6 Provisions as to the cases in which [<sup>F288</sup>an application] 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.

#### Textual Amendments

**F288** Words in Sch. 2 para. 6 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 15](#), **Sch. 1 para. 24(6)**; S.I. 2001/116, **art. 2(1)(2)** (with s. 2(4))

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

**C210** 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** (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)))

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)**

**C211** 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)))

[<sup>F289</sup>g 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 [<sup>F290</sup>in the register] or of any class of such persons, showing the addresses of the person concerned.]

**Textual Amendments**

**F289** Sch. 2 para. 8 substituted by [Representation of the People Act 1985](#) (c. 50, SIF 42), s. 24, **Sch. 4 para. 87(a)**

**F290** Words in Sch. 2 para. 6 substituted (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 15, **Sch. 1 para. 24(7)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

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

**C212** 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** (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(3)(4)))

[<sup>F291</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**

**F291** 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) (amendment extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014](#) (S.I. 2014/1116), arts. 1(1), 2(2))

[<sup>F292</sup>8B(1) Provision authorising or requiring a registration officer in determining an application under section 10ZC or 10ZD, in prescribed cases, to treat a prescribed person's statement of a fact as sufficient evidence of that fact.

(2) In sub-paragraph (1) "prescribed" includes of a prescribed description.]

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#### Textual Amendments

**F292** Sch. 2 para. 8B inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), **ss. 2(4), 27(1)** (with [Sch. 5](#)); [S.I. 2014/414](#), [art. 5\(b\)](#); [S.I. 2014/2439](#), [art. 2\(b\)](#)

[<sup>F293</sup>8C(1) Provision requiring the retention or disposal, or otherwise regulating the processing, of—

- (a) information provided in an application under section 10ZC<sup>F294</sup>, 10ZD or 10A];
- (b) information provided to a person in accordance with a requirement imposed by a registration officer <sup>F295</sup>... under provision made by virtue of paragraph 1(2);
- (c) information provided to a person by virtue of provision made under paragraph 3ZA.

(2) In this paragraph “processing” has the same meaning as in [<sup>F296</sup>Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act)].

#### Textual Amendments

**F293** Sch. 2 para. 8C inserted (5.2.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), [s. 27\(1\)](#), [Sch. 2 para. 3](#) (with [Sch. 5](#)); [S.I. 2013/219](#), [art. 2\(c\)\(d\)](#)

**F294** Words in Sch. 2 para. 8C(1)(a) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 20(2)(c)(i), 28(1)(e)(2)**

**F295** Words in Sch. 2 para. 8C(1)(b) omitted (13.3.2014) by virtue of [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 20(2)(c)(ii), 28(1)(e)**

**F296** Words in Sch. 2 para. 8C(2) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), [s. 212\(1\)](#), [Sch. 19 para. 18\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), [reg. 2\(1\)\(g\)](#)

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

**C213** Sch. 2 para. 8C: function exercisable by the Scottish Ministers concurrently with a Minister of the Crown (20.3.2015) by [The Scotland Act 1998 \(Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.\) Order 2015 \(S.I. 2015/692\)](#), **arts. 2, 5(3)(b)** (with [art. 6](#))

<sup>F297</sup>9 .....

#### Textual Amendments

**F297** 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](#)

[<sup>F298</sup>10(1) Provisions requiring a registration officer to prepare, in addition to the version of the register which he is required to prepare by virtue of the other provisions of this Act (“the full register”), a version of the register which omits the names and addresses of registered electors by or on behalf of whom requests have been made to have their names and addresses excluded from that version of it (“the edited register”).

[ The edited version shall also omit anonymous entries.]

<sup>F299</sup>(1A)

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- (2) Provisions specifying a form of words to be used by a registration officer for the purpose of—
- (a) explaining to persons registered or applying to be registered, or persons acting on behalf of such persons, the purposes for which the full register and the edited register may each be used, and
  - (b) ascertaining whether the exclusion of their names and addresses from the edited register is requested by or on behalf of such persons.]

#### Textual Amendments

**F298** 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))

**F299** Sch. 2 para. 10(1A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, Sch. 1 para. 15(7); S.I. 2006/3412, art. 3, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 2(2))

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

**C214** Sch. 2 para. 10 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act (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)))

- [<sup>F300</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

**F300** 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)

**C215** 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)))

- [<sup>F301</sup>10B) 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.

*Status: Point in time view as at 03/03/2020.*

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- (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

**F301** 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)

**C216** 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)))

- [<sup>F302</sup>11 (1) Provisions imposing prohibitions or restrictions relating to the extent (if any) to which—
- (a) persons inspecting the full register in accordance with regulations made in pursuance of paragraph 10A above may make copies of the register;
  - (b) persons to whom copies of the full register are supplied (whether in accordance with regulations made in pursuance of paragraph 10B above or in accordance with any other provision made by or under an Act) may—
    - (i) supply those copies, or otherwise disclose any information contained in them, to other persons, or
    - (ii) make use of any such information otherwise than for any purposes specified in such regulations or (as the case may be) for which the copies have been supplied in accordance with any such provision.
- (2) Provisions imposing, in relation to persons—
- (a) to whom copies of the full register have been supplied, or information contained in such copies has been disclosed, in accordance with regulations made in pursuance of this paragraph, or
  - (b) who otherwise have access to such copies or information,
- prohibitions or restrictions corresponding to those which may be imposed by virtue of sub-paragraph (1) above.
- (3) Provisions imposing, in relation to persons involved in the preparation of the full register, prohibitions with respect to supplying copies of the full register and disclosing information contained in it.
- (4) In this paragraph any reference to the full register includes a reference to any part of it.]

#### Textual Amendments

**F302** 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)

**C217** 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 (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)))

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- [<sup>F303</sup>11(1)] Provisions authorising or requiring registration officers [<sup>F304</sup>to supply information] in such form as may be prescribed, to such persons as may be prescribed on payment of a prescribed fee.
- <sup>F305</sup>(1A) . . . . .
- <sup>F306</sup>(2) . . . . . ]

#### 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

- F303** Sch. 2 para. 11A inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 87(c)**
- F304** Words in [Sch. 2 para. 11A\(1\)](#) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 18(4)(a)** (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)
- F305** Sch. 2 para. 11A(1A) omitted (13.3.2014) by virtue of [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 20(2)(d), 28(1)(e)**
- F306** Sch. 2 para. 11A(2) omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 18(4)(b)** (with [ss. 117, 209, 210](#)); [S.I. 2018/625](#), reg. 2(1)(g)

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

- C218** Sch. 2 para. 11A extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3\)](#), [ss. 2, 13\(6\)](#), **Sch. 1 Pt. 1** (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\(4\)](#)))

- 12 Provisions as to [<sup>F307</sup>the arrangements to be made in relation to the issue and receipt of, and for subsequently dealing with, ballot papers for postal voting, including provisions—
- (a) authorising replacement ballot papers to be issued in any prescribed circumstances;
- [<sup>F308</sup>(aa) authorising the cancellation or removal of ballot papers in any prescribed circumstances;]
- (b) as to the proceedings in connection with the issue and receipt of ballot papers and, in particular—
- (i) the persons who are to be entitled, or may be allowed, to attend, and
- (ii) the rights and obligations of persons attending;
- (c)] 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.

#### Textual Amendments

- F307** Sch. 2 para. 12(a)-(c) and preceding words and subsequent “(c)” substituted (29.1.2001 for certain purposes and otherwise 16.2.2001) for words in Sch. 2 para. 12 by [2000 c. 2](#), s. 15, **Sch. 6 para. 11(3)**; [S.I. 2001/116](#), **art. 2(1)(2)** (with [art. 2\(4\)](#))

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**F308** Sch. 2 para. 12(aa) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 94](#) (with [Sch. 2 para. 96](#)); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(w\)](#) (bb)(iii) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts. 2, 4](#)

[<sup>F309</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;]

#### Textual Amendments

**F309** 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 [<sup>F310</sup>making it an offence (punishable on summary conviction by a fine not exceeding level 3 on the standard scale) for a person—]

- (a) [<sup>F311</sup>to have] 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) [<sup>F311</sup>to have], 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.

<sup>F312</sup>(1ZA) . . . . .

[<sup>F313</sup>(1ZB) Provision making it an offence, in prescribed circumstances, for a person to process information in breach of provision made under paragraph 1A(3)(e) or (f) or 8C.

(1ZC) Provision made under sub-paragraph (1ZB) creating an offence may not—

- (a) provide for the offence to be punishable on conviction on indictment by imprisonment for a term exceeding two years;
- (b) provide for the offence to be punishable on summary conviction by imprisonment for a term exceeding the relevant maximum;
- (c) provide for the offence to be punishable on summary conviction by a fine exceeding the statutory maximum or level 5 on the standard scale (as appropriate).

(1ZD) In sub-paragraph (1ZC)(b) “the relevant maximum”—

- (a) in relation to an offence triable either on indictment or summarily, means—
  - (i) in England and Wales or Scotland, 12 months, and
  - (ii) in Northern Ireland, 6 months;
- (b) in relation to an offence triable only summarily, means—
  - (i) in England and Wales, 51 weeks, and
  - (ii) in Scotland or Northern Ireland, 6 months.]

[<sup>F314</sup>(1A) Provisions making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale)—

- (a) for a person to contravene any regulations made in pursuance of paragraph 11 above or to do so in any prescribed circumstances, or

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- (b) where such a contravention has occurred on the part of a person in the employment, or otherwise under the direction or control, of a company or other organisation, for—
- (i) a director of the company, or
  - (ii) a person concerned with the management of the organisation,
- to have failed to take such steps as it was reasonable for him to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of such contraventions on the part of such persons.]
- (2) Any other provisions incidental or supplemental to those mentioned in the foregoing paragraphs of this Schedule.

#### Textual Amendments

- F310** Words in Sch. 2 para 13 substituted (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 15, **Sch. 6 para. 11(4)**; S.I. 2001/116, **art. 2(1)(2)**, (with art. 2(3)-(5))
- F311** Words in Sch. 2 para. 13(1) substituted (29.1.2001 for certain purposes and otherwise 16.2.2001) by 2000 c. 2, s. 15, **Sch. 6 para. 11(4)(b)**; S.I. 2000/116, **art. 2(1)(2)** (with art. 2(3)(4))
- F312** Sch. 2 para. 13(1ZA) omitted (13.3.2014) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 20(2)(e), 28(1)(e)**
- F313** Sch. 2 para. 13(1ZB)-(1ZD) inserted (5.2.2013) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 2 para. 4** (with s. 13(3)(4), Sch. 5); S.I. 2013/219, **art. 2(c)(d)**
- F314** Sch. 2 para. 13(1A) inserted (16.2.2001) by 2000 c. 2, s. 9(3); S.I. 2001/116, **art. 2(1)(2)** (with art. 2(3)(4))

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

- C219** 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**, (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>F315</sup>SCHEDULE 2A

### CONTROL OF DONATIONS TO CANDIDATES

#### Textual Amendments

- F315** Sch. 2A inserted (30.11.2000 for certain purposes, 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)

- C220** Sch. 2A applied (with modifications) (30.12.2010 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), **arts. 1(1), 36(4)-(12)** (with art. 1(2)(3))
- C221** 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**)
- C222** 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**



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**C223** Sch. 2A modified (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 11(5), 31**

**C224** Sch. 2A applied (with modifications) (S.) (16.12.2015) by The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425), arts. 1(1), **36(4)-(10)** (with art. 1(2))

## PART I

### INTRODUCTORY

#### *Operation and interpretation of Schedule*

- 1 (1) This Schedule has effect for controlling donations to candidates at an election.
- (2) The following provisions have effect for the purposes of this Schedule.
- (3) “Relevant donation”, in relation to a candidate at an election, means a donation to the candidate or his election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate.
- (4) In sub-paragraph (3) above the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation.
- (5) “Donation” shall be construed in accordance with paragraphs 2 to 4 below.
- (6) “The 2000 Act” means the Political Parties, Elections and Referendums Act 2000.  
[ In relation to a donation received by a candidate at an election in Great Britain,  
<sup>F316</sup>(6A) references to a permissible donor falling within section 54(2) of the 2000 Act are to be read as if section 54(2) did not include a party registered in the Northern Ireland register maintained by the Commission under Part 2 of that Act.]
- (7) <sup>F317</sup> .....
- (8) “The Commission” means the Electoral Commission established by section 1 of that Act.
- (9) Any reference to a donation received by a candidate when he is (or is deemed to be) his own election agent includes a reference to a donation received by a candidate on a list of candidates to be London members of the London Assembly at an ordinary election who is, or is deemed to be, the election agent of all the candidates on the list.
- (10) Any donation which is received by a candidate as mentioned in sub-paragraph (9) above shall be regarded as received by him in his capacity as election agent.

#### **Textual Amendments**

**F316** Sch. 2A para. 1(6A) inserted (1.11.2007) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 13(3), 31**

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**F317** Sch. 2A para. 1(7) repealed (25.9.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 11(8)(b), 30(2), 31, Sch. 5

*Donations: general rules*

- 2 (1) “Donation”, in relation to a candidate at an election, means (subject to paragraph 4 below)—
- (a) any gift to the candidate or his election agent of money or other property;
  - (b) any sponsorship provided in relation to the candidate (as defined by paragraph 3 below);
  - (c) any money spent (otherwise than by the candidate, his election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
  - (d) any money lent to the candidate or his election agent otherwise than on commercial terms;
  - (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).
- (2) Where—
- (a) any money or other property is transferred to a candidate or his election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
  - (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,
- the transfer of the money or property shall (subject to sub-paragraph (4) below) constitute a gift to the candidate or (as the case may be) his election agent for the purposes of sub-paragraph (1)(a) above.
- (3) In determining—
- (a) for the purposes of sub-paragraph (1)(d) above, whether any money lent to a candidate or his election agent is so lent otherwise than on commercial terms, or
  - (b) for the purposes of sub-paragraph (1)(e) above, whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,
- regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.
- (4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) above and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3 below) shall apply in relation to it to the exclusion of the other provision of this paragraph.
- (5) The reference in sub-paragraph (1)(c) above to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate, his election agent or any sub-agent, out of his own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c) above, money so spent constitutes a donation to the candidate,

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the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.

- (6) In this paragraph—
- (a) any reference to anything being given or transferred to a candidate or his election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
  - (b) “gift” includes a bequest or any other form of testamentary disposition.

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

**C225** Sch. 2A para. 2(6)(a) applied (with modifications) (21.11.2002 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2002 \(S.I. 2002/2779\)](#), arts. 1, **57(6)** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), art. 2(a))

Sch. 2A para. 2(6)(a) applied (with modifications) (15.3.2007 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2007 \(S.I. 2007/937\)](#), arts. 1, **59(6)**

*Sponsorship*

- 3 (1) For the purposes of this Schedule sponsorship is provided in relation to a candidate if—
- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
  - (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
    - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or
    - (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) above “defined expenses” means expenses in connection with—
- (a) any conference, meeting or other event organised by or on behalf of the candidate,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
  - (c) any study or research organised by or on behalf of the candidate.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) above—
- (a) the making of any payment in respect of—
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any other charge for access to, any publication;
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) The Secretary of State may by order made on the recommendation of the Commission amend sub-paragraph (2) or (3) above.

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- (5) Any order under sub-paragraph (4) above shall be made by statutory instrument; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (6) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

*Payments etc. not to be regarded as donations*

- 4 (1) None of the following shall be regarded as a donation—
- (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by this Act;
  - (b) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;
  - (c) any interest accruing to a candidate or his election agent in respect of any donation which is dealt with by the candidate or (as the case may be) his election agent in accordance with section 56(2)(a) or (b) of the 2000 Act (as applied by paragraph 7 below).
- (2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5 below) is not more than £50.

*Value of donations*

- 5 (1) The value of any donation falling within paragraph 2(1)(a) above (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) above applies by virtue of paragraph 2(2) above, the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or his election agent.
- (3) The value of any donation falling within paragraph 2(1)(b) above shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1) above; and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) above shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or his election agent in respect of the loan or the provision of the property, services or facilities if—
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or his election agent.

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- (5) Where a donation such as is mentioned in sub-paragraph (4) above confers an enduring benefit on the donee over a particular period, the value of the donation—
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.
- (6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

## PART II

### CONTROLS ON DONATIONS

#### *Prohibition on accepting donations from impermissible donors*

- 6 (1) A relevant donation received by a candidate or his election agent must not be accepted if—
- (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) his election agent, a permissible donor falling within section 54(2) of the 2000 Act; or
  - (b) the candidate or (as the case may be) his election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.
- (2) For the purposes of this Schedule any relevant donation received by a candidate or his election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or his election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.
- (3) But, for the purposes of this Schedule, any relevant donation received by a candidate or his election agent from a trustee of any property (in his capacity as such) which is not—
- (a) an exempt trust donation, or
  - (b) a relevant donation transmitted by the trustee to the candidate or his election agent on behalf of beneficiaries under the trust who are—
    - (i) persons who at the time of its receipt by the candidate or his election agent are permissible donors falling within section 54(2) of the 2000 Act, or
    - (ii) the members of an unincorporated association which at that time is such a permissible donor,
- shall be regarded as a relevant donation received by the candidate or his election agent from a person who is not such a permissible donor.
- (4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a candidate or his election agent by way of a relevant donation—
- (a) on behalf of himself and one or more other persons, or
  - (b) on behalf of two or more other persons,

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then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 shall be treated as if it were a separate donation received from that person.

- (5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given—
- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c) below; and
  - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a) below.
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a candidate or his election agent by way of a donation on behalf of another person (“the donor”), and
  - (b) the amount of the donation is more than £50,
- the agent must ensure that, at the time when the donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c) below.
- (7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6) above.
- (8) A person guilty of an offence under sub-paragraph (7) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
  - (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

#### *Acceptance or return of donations*

- 7 (1) Sections 56 to 60 of the 2000 Act shall apply for the purposes of this Schedule in relation to—
- (a) a relevant donation received by a candidate or his election agent, and
  - (b) the candidate or (as the case may be) the election agent,
- as they apply in relation to a donation received by a registered party and the registered party.
- (2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1)—
- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c) below;
  - (b) section 56(3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent; and

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- (c) section 56(4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent.

*Transfer of donations received by candidate to election agent*

- 8
- (1) Sub-paragraph (2) below applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his own election agent at the time of receipt of the donation).
  - (2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1) above, forthwith deliver to his election agent—
    - (a) the donation,
    - (b) where paragraph 6(5) or (6) above applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
    - (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under this Part or Part III of this Schedule.
  - (3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2) above, the donation shall be treated for the purposes of paragraph 6(1) to (4) above and the provisions applied by paragraph 7 above as if it had been—
    - (a) originally received by the election agent, and
    - (b) so received by him on the date on which it was received by the candidate.
  - (4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate himself) as election agent is in force he shall either—
    - (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) above to the agent, or
    - (b) (if he fails to do so) deal with the donation in accordance with section 56 of the 2000 Act.
  - (5) Sub-paragraph (3) above shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) above as it has effect in relation to a donation delivered to him in accordance with sub-paragraph (2) above.
  - (6) Sub-paragraph (7) below applies where—
    - (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because—
      - (i) it was received by him at a time when no appointment of another person as his election agent was in force, or
      - (ii) although such an appointment was in force, he was by virtue of sub-paragraph (4)(b) required to deal with the donation; and
    - (b) an appointment of a person (other than the candidate himself) as election agent is in force at, or at any time after—
      - (i) the deadline for appointing an election agent, or
      - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.

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- (7) Subject to sub-paragraph (9) below, the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent—
- (a) the donation (if it has been accepted by him), and
  - (b) any information which he has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under Part III of this Schedule.
- (8) The relevant time for the purposes of sub-paragraph (7) above is—
- (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
  - (b) otherwise, the time when any such appointment subsequently comes into force.
- (9) The duty imposed on a candidate by sub-paragraph (7)(a) above does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.
- (10) In this paragraph—
- (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with section 67(1) or (1A) of this Act be named as election agent—
    - (i) by the candidate, or
    - (ii) in the case of a candidate on a list of candidates submitted by a registered political party to be London members of the London Assembly at an ordinary election, by the party; and
  - (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.

#### *Evasion of restrictions on donations*

- 9 Section 61 of the 2000 Act shall apply for the purposes of this Schedule as if—
- (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) his election agent; and
  - (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or his election agent (or both).

### PART III

#### REPORTING OF DONATIONS

#### *Statement of relevant donations*

- 10 [ The candidate's election agent must include in any return required to be delivered <sup>F318</sup>(1) under section 81 of this Act a statement of relevant donations which complies with paragraphs 11 and 12 below.



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[ If the statement states that the candidate's election agent has seen evidence of <sup>F319</sup>(2) such description as is prescribed by the Secretary of State in regulations that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of the evidence.

(3) Sub-paragraph (2) does not apply to local government elections in Scotland.]

#### Textual Amendments

**F318** Sch. 2A para. 10 renumbered (E.W.S.) (1.1.2007) as Sch. 2A para. 10(1) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10(2), 77, [Sch. 1 para. 16](#); S.I. 2006/3412, [art. 3](#), [Sch. 1 paras. 1, 12\(a\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 2(2))

**F319** Sch. 2A para. 10(2)(3) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10(2), 77, [Sch. 1 para. 16](#); S.I. 2006/3412, [art. 3](#), [Sch. 1 paras. 1, 12\(a\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 2(2))

#### *Donations from permissible donors*

- 11 The statement must record, in relation to each relevant donation accepted by the candidate or his election agent—
- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (b) the date when the donation was accepted by the candidate or his election agent;
  - (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act; and
  - (d) such other information as may be required by regulations made by the Commission.

#### *Donations from impermissible donors*

- 12 (1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b) above.
- (2) Where paragraph 6(1)(a) above applies, the statement must record—
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) above applies, the statement must record—
- (a) details of the manner in which the donation was made;

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- (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5 above;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7 above.]

SCHEDULE 3

Sections 81 and 82.

RETURN AND DECLARATIONS AS TO ELECTION EXPENSES

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

- C226** 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**)
- C227** Sch. 3 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**

F320

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) ... .. £

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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**

- F320** 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)**

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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 [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 [£10]) by bills stating the particulars and receipts and accompanied by a declaration by the candidate as to election expenses.
- 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.
- [(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

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- 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.
- 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.
- (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 [<sup>F321</sup>the county court] may be exercised otherwise than in open court; and
  - (b) an appeal lies to the High Court from any order of [<sup>F321</sup>the county court] made by virtue of that paragraph.

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### Textual Amendments

**F321** Words in Sch. 4 para. 9 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

## [<sup>F322</sup>SCHEDULE 4A

Section 90ZA

### ELECTION EXPENSES

### Textual Amendments

**F322** 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)

**C228** 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](#))

## PART 1

### LIST OF MATTERS

- 1 Advertising of any nature (whatever the medium used). Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.
- 2 Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area). Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).
- 3 Transport (by any means) of persons to any place. Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.
- 4 Public meetings (of any kind). Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.
- 5 The services of an election agent or any other person whose services are engaged in connection with the candidate's election.
- 6 Accommodation and administrative costs.

*Status: Point in time view as at 03/03/2020.*

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## PART 2

### GENERAL EXCLUSIONS

- 7 The payment of any deposit required by rule 9 of Schedule 1 to this Act.
- [<sup>F323</sup>7A(1) Any matter that is reasonably attributable to the candidate's disability, to the extent that the expenses in respect of the matter are reasonably incurred.
- (2) In this paragraph "disability":
- (a) in relation to a candidate standing for election in England, Wales or Scotland, has the same meaning as in section 6 of the Equality Act 2010;
  - (b) in relation to a candidate standing for election in Northern Ireland, has the same meaning as in section 1 of the Disability Discrimination Act 1995.
- (3) This paragraph does not apply in relation to a local government election in Wales.]

#### Textual Amendments

**F323** Sch. 4A para. 7A substituted (23.2.2019) by [The Representation of the People \(Election Expenses Exclusion\) \(Amendment\) Order 2019 \(S.I. 2019/352\)](#), arts. 1(2), 2

- 8 The publication of any matter, other than an advertisement, relating to the election in—
- (a) a newspaper or periodical;
  - (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru;
  - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996.
- 9 The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) above.
- 10 The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.
- 11 (1) Accommodation which is the candidate's sole or main residence.
- (2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.
- 12 (1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.
- (2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.
- 13 (1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.
- (2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.

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### PART 3

#### SUPPLEMENTAL

##### *Guidance by Commission*

- 14 (1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice <sup>F324</sup>giving—
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
  - (b) guidance (supplementing the definition in section 90ZA(3) above) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate’s election].
- (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Secretary of State for his approval.
- (3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.
- (4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—
- (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under sub-paragraph (3),
- before each House of Parliament.
- (5) If the draft incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.
- (7) If no such resolution is made within the 40-day period—
- (a) the Secretary of State must issue the code in the form of the draft laid before Parliament, and
  - (b) the code is to come into force on such date as the Secretary of State may by order appoint,
- and the Commission must arrange for it to be published in such manner as they think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means—
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and
  - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.
- (10) In this paragraph references to a draft code include a revised draft code.



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**Textual Amendments**

**F324** Words in Sch. 4A para. 14(1) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 22, 43(1)(5)(d)

*Power to amend Parts 1 and 2*

- 15 (1) The Secretary of State may by order made by statutory instrument make such amendments of Part 1 or 2 of this Schedule as he considers appropriate.
- (2) An order under sub-paragraph (1) shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) The Secretary of State may make such an order either—
- (a) where the order gives effect to a recommendation of the Electoral Commission; or
  - (b) after consultation with the Electoral Commission.]

VALID FROM 28/09/2021

[<sup>F325</sup>SCHEDULE 4B

SCOTTISH LOCAL GOVERNMENT ELECTIONS: ELECTION EXPENSES

**Textual Amendments**

**F325** Sch. 4B inserted (S.) (prosp.) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 17(4), 63, [Sch. 1](#)

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 [<sup>F326</sup>local authority] maintaining the school [<sup>F327</sup>or, in the case of a room in the premises of [<sup>F328</sup>a foundation or voluntary aided 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.

*Status: Point in time view as at 03/03/2020.*

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#### Textual Amendments

- F326** Words in Sch. 5 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 33(3)(a)**
- F327** Words inserted by [Education Reform Act 1988](#) (c. 40), ss. 231(7), 235(6), 237, **Sch. 12 Pt. I para. 32**
- F328** Words in Sch. 5 para. 1(1) substituted (1.9.1999) by [1998 c. 31](#), s. 140(1), **Sch. 30 para. 12** (with ss. 138(9), 144(5)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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

- C229** 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 [<sup>F329</sup>and every Welsh county and county 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.

#### Textual Amendments

- F329** Words in Sch. 5 para. 3(1) substituted (1.4.1996) by [1994 c. 19](#), s. 66(6), **Sch. 16 para. 68(20)** (with ss. 54(4)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); S.I. 1996/396, art. 4, **Sch. 2**

- 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)

- C230** 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**

- [<sup>F330</sup>5A. In paragraphs 1 and 2 “local authority” has the meaning given by section 579(1) of the Education Act 1996.]

*Status: Point in time view as at 03/03/2020.*

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### Textual Amendments

**F330** Sch. 5 para. 5A inserted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 33(3)(b)**

- 6 In the application of this Schedule to Scotland—
- (a) for [<sup>F331</sup>the reference in paragraph 1(1)] to a [<sup>F326</sup>local authority] substitute a reference to an education authority;
  - [<sup>F332</sup>(aa) <sup>F333</sup>.....]
  - (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 [<sup>F334</sup>every local authority] 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

**F326** Words in Sch. 5 substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 33(3)(a)**

**F331** Words in Sch. 5 para. 6(a) substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 33(3)(c)**

**F332** 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**

**F333** Sch. 5 para. 6(aa) repealed (S.) (31.12.2004) by 2000 asp 6, ss. 60(2), 61(2), Sch. 3; S.I. 2004/528, **art. 2(b)**

**F334** Words in Sch. 5 para. 6(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(9)**; S.I. 1996/323, **art. 4(1)(c)**

### Modifications etc. (not altering text)

**C231** 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”) [<sup>F335</sup>and the City of London (Ward Elections) Act 2002].

*Status: Point in time view as at 03/03/2020.*

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#### Textual Amendments

**F335** Words in [Sch. 6 para. 1](#) inserted (7.11.2002) by [City of London \(Ward Elections\) Act 2002 \(c. vi\)](#), s. 9(1), [Sch. 1 Pt. 2 para. 5](#)

#### 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, 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 [<sup>F336</sup>City of London (Ward Elections) Act 2002].

#### Textual Amendments

**F336** Words in [Sch. 6 para. 5](#) substituted (7.11.2002) by [City of London \(Ward Elections\) Act 2002 \(c. vi\)](#), s. 9(1), [Sch. 2 Pt. 2 para. 6](#)

- 6 Nothing in this Act affects the operation of <sup>F337</sup> . . . paragraph (a) of subsection (5) of section 5 of the Representation of the <sup>M9</sup>People Act 1949 <sup>F337</sup> . . . in relation to their application by section 4(2) of the City Act.

#### Textual Amendments

**F337** Words in [Sch. 6 para. 6](#) repealed (7.11.2002) by [City of London \(Ward Elections\) Act 2002 \(c. vi\)](#), s. 9(2), [Sch. 2](#)

#### Marginal Citations

**M9** 1949 c. 68.

*Status: Point in time view as at 03/03/2020.*

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## 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.).

F338<sub>3</sub> .....

###### Textual Amendments

**F338** 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 **F339** .....

###### Textual Amendments

**F339** Sch. 7 para. 4 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 198, 199, 201, Sch. 6 para. 88, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2**

*Status: Point in time view as at 03/03/2020.*

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*M12 Northern Ireland Constitution Act 1973*

**Marginal Citations**

**M12** 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*

F340<sup>6</sup> .....

**Textual Amendments**

**F340** 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 M13 Local Government Act 1972*

**Marginal Citations**

**M13** 1972 c. 70.

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.

*M14 Criminal Justice Act 1982*

**Marginal Citations**

**M14** 1982 c. 48.

F341<sup>g</sup> .....

**Textual Amendments**

**F341** 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

*Status:* Point in time view as at 03/03/2020.

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<sup>M15</sup>*Mental Health (Amendment) Act 1982*

**Marginal Citations**

**M15** 1982 c. 51.

F3429

**Textual Amendments**

**F342** 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
  - (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.

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### *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>M16</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>M17</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>M18</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
  - (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>M19</sup>Interpretation Act 1978 as to repeals.

#### **Marginal Citations**

**M16** 1948 c. 65.

**M17** 1949 c. 68.

**M18** 1948 c. 65.

**M19** 1978 c. 30.



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SCHEDULE 8

Section 206.

CONSEQUENTIAL AMENDMENTS ACTS

<sup>M20</sup>*Public Meeting Act 1908*

**Marginal Citations**

**M20** 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>M21</sup>*City of London (Various Powers) Act 1957*

**Marginal Citations**

**M21** 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”;
- (c) in subsection (2), for “Act of 1949” substitute “Representation of the People Act 1949”.

3 In section 8 of the <sup>M22</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>F343</sup> .....; ”

section 46 (further provision as to local election voting);  
section 59 (supplemental provisions as to members of forces and service voters).”

*Status: Point in time view as at 03/03/2020.*

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- <sup>F344</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>M23</sup>Local Elections (Principal Areas) Rules 1973 ”;
- (e) in subsection (5), for “Act of 1949” substitute “ Act of 1983 ”.

#### Textual Amendments

**F343** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**

**F344** Sch. 8 para. 3(b)(c) repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**

#### Marginal Citations

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

**M23** 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>M24</sup>*City of London (Various Powers) Act 1960*

#### Marginal Citations

**M24** 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>M25</sup>People Act 1949” substitute “ Representation of the People Act 1983 ”;
- (b) in subsection (2), for “Act of 1949” substitute “ Act of 1983 ”.

#### Marginal Citations

**M25** 1949 c. 68

<sup>M26</sup>*London Government Act 1963*

#### Marginal Citations

**M26** 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 ”.

*Status: Point in time view as at 03/03/2020.*

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*M27* Licensing Act 1964

**Marginal Citations**

**M27** 1964 c. 26.

7 **F345** .....

**Textual Amendments**

**F345** Sch. 8 paras. 7-10 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2**

8 **F346** .....

**Textual Amendments**

**F346** Sch. 8 paras. 7-10 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2**

9 **F347** .....

**Textual Amendments**

**F347** Sch. 8 paras. 7-10 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2**

10 **F348** .....

**Textual Amendments**

**F348** Sch. 8 paras. 7-10 repealed (24.11.2005) by Licensing Act 2003 (c. 17), ss. 199, 201, **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2**

*M28* Post Office Act 1969

**Marginal Citations**

**M28** 1969 c. 48.

**F349** 11 .....

*Status: Point in time view as at 03/03/2020.*

*Changes to legislation: Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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**

**F349** Sch. 8 para. 11 repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), Sch. 2

*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>M29</sup>Local Government Act 1972 for “section 42 above” substitute “ section 36 of the Representation of the People Act 1983 ”.

**Marginal Citations**

**M29** 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>M30</sup>People Act 1949” substitute “ section 36 of the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act ”.

**Marginal Citations**

**M30** 1949 c. 68.

<sup>M31</sup>*Local Government (Scotland) Act 1973*

**Marginal Citations**

**M31** 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>F350</sup>16 .....

**Textual Amendments**

**F350** Sch. 8 para. 16 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. XI

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<sup>M32</sup>*Juries Act 1974*

**Marginal Citations**

**M32** 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 ”.

<sup>M33</sup>*House of Commons Disqualification Act 1975*

**Marginal Citations**

**M33** 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 ”.

<sup>F351</sup>19 .....

**Textual Amendments**

**F351** Sch. 8 para. 19 repealed (11.5.2001) by 2001 c. 13, s. 1(3)(b), Sch. 2

- 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 <sup>M34</sup>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**

**M34** 1949 c. 68.

<sup>F352M35</sup>*European Parliamentary] Elections Act 1978*

**Textual Amendments**

**F352** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), s. 3(1)(b)(3)

*Status: Point in time view as at 03/03/2020.*

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### Marginal Citations

**M35** 1978 c. 10.

21 **F353** .....

### Textual Amendments

**F353** Sch. 8 paras. 21-23 repealed (24.10.2002) by European Parliamentary Elections Act 2002 (c. 24), ss. 16, 18(2), **Sch. 4**

22 **F354** .....

### Textual Amendments

**F354** Sch. 8 paras. 21-23 repealed (24.10.2002) by European Parliamentary Elections Act 2002 (c. 24), ss. 16, 18(2), **Sch. 4**

23 **F355** .....

### Textual Amendments

**F355** Sch. 8 paras. 21-23 repealed (24.10.2002) by European Parliamentary Elections Act 2002 (c. 24), ss. 16, 18(2), **Sch. 4**

### <sup>M36</sup> *Judicature (Northern Ireland) Act 1978*

### Marginal Citations

**M36** 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>F356</sup> *Senior Courts Act 1981*

### Textual Amendments

**F356** Words in Sch. 8 para. 26 cross-heading substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, **art. 2(b)(d)**

*Status: Point in time view as at 03/03/2020.*

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26 In section 142(1) of the [<sup>F357</sup>Senior Courts Act 1981] , for “Representation of the People Act 1949” substitute “ Representation of the People Act 1983 ”.

**Textual Amendments**

**F357** Words in Sch. 8 para. 26 substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59, 148(1), Sch. 11 para. 1(2); S.I. 2009/1604, art. 2(b)(d)

<sup>M37</sup>*Mental Health (Amendment) Act 1982*

**Marginal Citations**

**M37** 1982 c. 51.

<sup>F358</sup>27 .....  
Order

**Textual Amendments**

**F358** Sch. 8 para. 27 repealed by Statute Law (Repeals) Act 1986 (c. 12), s. 1(1), Sch. 1 Pt. XIII

<sup>M38</sup>*Legal Aid, Advice and Assistance (Northern Ireland) Order 1981*

**Marginal Citations**

**M38** S.I. 1981/228 (N.I. 8).

<sup>F359</sup>28 .....  
Order

**Textual Amendments**

**F359** Sch. 8 para. 28 repealed (N.I.) (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), Sch. 5 (with art. 45); S.R. 2015/194, art. 2 (with art. 3)

SCHEDULE 9

Section 206.

REPEALS AND REVOCATIONS

PART I

REPEALS OF OBSOLETE PROVISIONS

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Chapter	Short title	Extent of repeal
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*Status: Point in time view as at 03/03/2020.*

**Changes to legislation:** Representation of the People Act 1983 is up to date with all changes known to be in force on or before 05 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)

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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.	<p>In paragraph (b) of section 45(11), from the beginning to the words “appeals thereunder, and”.</p> <p>In section 111(2)—</p> <p>(a) paragraph (a);</p> <p>(b) in paragraph (b), the words “whose clerk is registration officer”.</p> <p>In section 116(2), the word “gaolers”.</p> <p>Section 132.</p> <p>In section 161(2), the words “a simple contract debt”.</p> <p>In section 163, in the definition of “public office”, the word “municipal” where it first occurs and the word “bailie”.</p> <p>In section 168(2), the words “where the poll is taken by means of voting papers”.</p> <p>Section 170.</p> <p>In section 174(1), paragraphs (b) and (c).</p> <p>In Schedule 2—</p> <p>(a) in Part II, rule 4(3);</p> <p>(b) in Part IV, in rule 53(2), the words “double return and any”.</p> <p>In paragraph 1(1) of Schedule 8, the words “and local government electors registered under this Act” to the end.</p>
1968 c. xxxvii.	The City of London (Various Powers) Act 1968.	<p>In section 3—</p> <p>(a) in subsection (3), the entry relating to the Representation of the People Act 1949;</p>



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		(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.
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).

*Status: Point in time view as at 03/03/2020.*

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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.
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).

*Status: Point in time view as at 03/03/2020.*

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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.
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

Year and number	Title	Extent of revocation
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*Status: Point in time view as at 03/03/2020.*

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

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**Status:**

Point in time view as at 03/03/2020.

**Changes to legislation:**

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