



Representation of the People Act 1983

1983 CHAPTER 2

PART III

LEGAL PROCEEDINGS

Questioning of a local election

130 Election court for local election in England and Wales, and place of trial

- (1) A petition questioning an election in England and Wales under the local government Act shall be tried by an election court consisting of a barrister qualified and appointed as provided by this section.
- (2) A barrister shall not be qualified to constitute an election court—
 - (a) if he is of less than 15 years standing, or
 - (b) if the court is for the trial of an election petition relating to any local government area—
 - (i) in which he resides; or
 - (ii) which is included in a circuit on which he practises as a barrister.
- (3) The judges for the time being on the rota for the trial of parliamentary election petitions, or any two of those judges—
 - (a) may annually appoint as many barristers, not exceeding five, as they may think necessary as commissioners for the trial of petitions questioning elections in England and Wales under the local government Act; and
 - (b) shall from time to time assign the petitions to be tried by each commissioner.
- (4) If the commissioner to whom the trial of a petition is assigned dies, or declines to act or becomes incapable of acting, those judges or two of them may assign the trial to be conducted or continued by any other of the commissioners appointed under this section.
- (5) The election court has for the purposes of the trial the same powers and privileges as a judge on the trial of a parliamentary election petition.

Status: This is the original version (as it was originally enacted).

- (6) The place of trial shall be within the area of the authority for which the election was held, except that the High Court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial.
- (7) The election court may in its discretion adjourn the trial from one place to another within the local government area or place where it is held.