



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART III

#### LEGAL PROCEEDINGS

##### *Procedure on all election petitions*

#### **146 Special case for determination of High Court.**

- (1) If, on the application of any party to a petition made in the prescribed manner to the High Court, it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct it to be stated accordingly and the special case shall be heard before the High Court.
- (2) In the case of a parliamentary election petition, the High Court shall certify to the Speaker its decision on the special case.
- (3) In the case of a petition questioning an election in England and Wales under the local government Act, a statement of the decision on the special case shall be sent by the High Court to the Secretary of State and the High Court shall by the signatures of two or more of its judges also certify that statement to the proper officer of the authority for which the election was held.
- (4) If it appears to the election court on the trial of an election petition that any question of law as to the admissibility of evidence or otherwise requires further consideration by the High Court, the election court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve the question by stating a case for the decision of the High Court.

In the application of this subsection to Northern Ireland the references to the High Court are to the Court of Appeal.

- (5) In Scotland the decision of the Court of Session on a special case under subsection (1) above shall be final and in the case of a petition questioning an election of councillors

*Status: Point in time view as at 22/03/2013. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People Act 1983, Section 146 is up to date with all changes known to be in force on or before 18 August 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)*

in Scotland, the application under subsection (1) for a direction for the statement of a case for the Court of Session shall be made to the election court.

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

- C1** S. 146 applied (with modifications) (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 146 applied (with modifications) (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**  
S. 146 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), art. 3(1)(5)-(8), **Sch. 1**  
S. 146 applied (with modifications) (11.3.1999) by [S.I. 1999/787](#), art. 85(1)-(3), Sch. 6 Pts. I, **II** (which S.I. was revoked (21.11.2002 except for specified purposes) by [S.I. 2002/2779](#), **arts. 1, 2** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), **art. 2(a)**))  
S. 146 applied (with modifications) (2.4.2001) by [S.I. 2001/1298](#), reg. 19(8), **Sch. 6**  
S. 146 applied (with modifications) (21.11.2002 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2002 \(S.I. 2002/2779\)](#), arts. 1, 81, **Sch. 6 Pt. I** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), **art. 2(a)**)  
S. 146 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), reg. 15(8), **Sch. 5** (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))  
S. 146 applied (with modifications) (15.3.2007 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2007 \(S.I. 2007/937\)](#), arts. 1, 83, **Sch. 6 Pt. I**
- C2** S. 146 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), reg. 15, **Sch. 6**
- C3** S. 146 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), reg. 11, **Sch. 5**
- C4** S. 146 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3, Sch. 1 (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, **Sch. 1**)
- C5** S. 146 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), 84(1)(3), **Sch. 6 Pt. 1** (with art. 1(2)(3))
- C6** S. 146 applied (with modifications) (E.W.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 6**
- C7** S. 146 applied (with modifications) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 6** (with reg. 27)
- C8** S. 146(1)(3)(4) applied (with modifications) (25.7.2012) by [The Police and Crime Commissioner Elections Order 2012 \(S.I. 2012/1917\)](#), arts. 1(2), 50(6), **Sch. 9 para. 1(5)**

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