



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

##### *Conduct of parliamentary elections*

#### **28 Discharge of returning officer's functions in England and Wales.**

- (1) In England and Wales the duties of the returning officer for a parliamentary election (except those mentioned in subsection (2) below) shall be discharged, as acting returning officer—
- (a) in the case of a constituency [<sup>F1</sup>in England] for which the chairman of a district council or the mayor [<sup>F2</sup>or the chairman] of a London borough is returning officer by virtue of section 24(1) above, by the registration officer appointed by that council;
  - [<sup>F3</sup>(aa) in the case of a constituency in Wales for which the chairman of a county or county borough council is returning officer by virtue of that section, by the registration officer appointed by that council;]
  - (b) in the case of any other constituency, by such registration officer as may be designated in an order made [<sup>F4</sup>by statutory instrument] by the Secretary of State.
- (2) The duties excepted from subsection (1) above are—
- (a) any duty imposed on a returning officer under rule 3 of the parliamentary elections rules; and
  - (b) any duty so imposed under rule 50 of those rules which the person (if any) who for the time being holds the office of returning officer reserves to himself and undertakes to perform in person.
- (3) The returning officer shall give to the acting returning officer written notice of any duties which he reserves to himself under paragraph (b) of subsection (2) above, and that paragraph shall, in the case of any election, apply to the duties (if any) of which

*Status: Point in time view as at 09/02/2012. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People Act 1983, Section 28 is up to date with all changes known to be in force on or before 25 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)*

the notice is so given not later than the day following that on which the writ is received, and to no others.

- (4) In the discharge of the duties imposed by subsection (1) an acting returning officer has all the powers, obligations, rights and liabilities of the returning officer under this Act, and this Act has effect accordingly.
- (5) An acting returning officer has power to appoint deputies to discharge all or any of those duties, [<sup>F5</sup>and a [<sup>F6</sup>Welsh county council or county borough council or a] district council or London borough council may assign officers to assist in carrying out all or any of those duties.]
- (6) Section 25 of the <sup>M1</sup>Sheriffs Act 1887 (death of sheriff) does not authorise the undersheriff to discharge the duties of returning officer, and upon a sheriff's death the acting returning officer shall discharge all the sheriff's duties as returning officer until another sheriff is appointed and has made the declaration of office.

#### Textual Amendments

- F1** Words. in s. 28(1)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(4)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F2** Words in s. 28(1)(a) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 10**
- F3** S. 28(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(4)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1)(23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F4** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 6(a)**
- F5** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 6(b)**
- F6** Words in s. 28(5) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(5)** (with ss. 54(4)(7), 55(5), Schs. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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

- C1** S. 28(1) modified (E.W.) (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), **reg. 9(7)** (with reg. 1)
- C2** S. 28(1)(b) amended (16.2.2001) by 2000 c. 41, **s. 7(2)(c)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- C3** S. 28(4) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C4** S. 28(5) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C5** S. 28(6) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 5(1)(6)–(8), **Sch. 1 Pt. I**

#### Marginal Citations

- M1** 1887 c. 55.

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