



# Representation of the People Act 1985

## 1985 CHAPTER 50

### *Combination and timing of polls*

#### **15 Combination of polls at parliamentary, [<sup>F1</sup>European Parliamentary] and local elections.**

- (1) Where the polls at—
- a parliamentary general election and an [<sup>F1</sup>European Parliamentary] general election;
  - an ordinary local government election and a parliamentary general election; or
  - an ordinary local government election and an [<sup>F1</sup>European Parliamentary] general election,

are to be taken on the same date, they shall be taken together.

- (2) Where the polls at elections for related areas are to be taken on the same date but are not required by subsection (1) above or section 36 of the principal Act to be taken together, they may nevertheless be so taken if the returning officer for each election thinks fit.

- (3) In subsection (2) above the reference to elections includes [<sup>F1</sup>European Parliamentary] elections but does not include elections under the local government Act which are not local government elections; and for the purposes of that subsection two areas are related if one is coterminous with or situated wholly or partly within the other.

- (4) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.

- (5) The Secretary of State may by regulations make such provision as he thinks fit in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.

- [<sup>F2</sup>(6) In its application to Northern Ireland, subsection (1) above shall have effect as if the references to an ordinary local government election were to a local election.]

*Status: Point in time view as at 16/02/2011.*

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#### Textual Amendments

- F1** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)
- F2** S. 15(6) inserted (10.4.2001) by [2001 c. 7, s. 3\(2\)](#)

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

- C1** S. 15 applied (with modifications) (2.4.2001) by [S.I. 2001/1298, reg. 16\(6\), Sch. 5 Pt. I Table](#) (as amended (E.) (13.3.2004) by [S.I. 2004/226, reg. 2\(7\), Sch.](#))  
S. 15 extended (N.I.) (10.4.2001) by [2001 c. 7, s. 3\(1\)](#)
- C2** S. 15 modified (E.W.) (18.9.2003) by [Local Government Act 2003 \(c. 26\), ss. 127\(1\), 128, Sch. 7 para. 7\(1\)](#)
- C3** S. 15 applied (with modifications) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\), regs. 1\(2\), 8, 11, 12, 13, Sch. 4 Table 2](#)
- C4** S. 15(4) excluded (10.4.2001) by [S.I. 2001 c. 7, s. 5\(2\)](#)
- C5** [S. 15\(5\)](#) extended (10.4.2001) by [2001 c. 7, s. 4, Sch. para. 32](#)
- C6** S. 15(5) extended (Gibraltar) (18.9.2003) by [Local Government Act 2003 \(c. 26\), ss. 127\(1\), 128, Sch. 7 para. 7\(2\)](#)

## 16 Postponement of poll at parish or community council elections.

- (1) Where the date of the poll at a parliamentary general election or an [<sup>F3</sup>European Parliamentary] general election is the same as the ordinary day of election of councillors for local government areas in England and Wales—
- (a) any poll at an election of parish or community councillors to be held in England and Wales on that date shall be postponed for three weeks;
  - (b) the date to which any such poll is so postponed shall be taken to be the ordinary day of election for the purposes of sections 16(3) and 35(2) of the <sup>M1</sup>Local Government Act 1972 and the day of election for the purposes of any rules concerning the conduct of elections of such councillors made (or having effect as if made) under section 36 of the principal Act; and
  - (c) any expenses of any returning officer for an election at which the poll is postponed under this subsection which are attributable to the postponement shall be charged on and paid out of the Consolidated Fund.
- (2) In subsection (1) of section 40 of the principal Act (timing of local elections) after the words “section 39 above” there shall be inserted the words “or section 16 of the Representation of the People Act 1985”.

#### Textual Amendments

- F3** Words substituted retrospectively by virtue of [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), [s. 3\(1\)\(b\)\(3\)](#)

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

- C7** S. 16 excluded (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\), ss. 4\(7\), 19\(1\)](#)
- C8** S. 16(1) restricted (11.5.2001) by [S.I. 2001/1774, art. 2](#)
- C9** S. 16(1) excluded (W.) (6.2.2004) by [The Local Government \(Ordinary Day of Election\) \(Wales\) Order 2004 \(S.I. 2004/218\), art. 2\(4\)](#)

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**C10** S. 16(1) excluded (13.3.2004) by [The Local Elections \(Ordinary Day of Election 2004\) Order 2004 \(S.I. 2004/222\)](#), [art. 2\(5\)](#)

**C11** S. 16(1) excluded (5.11.2008) by [The Local Elections \(Ordinary Day of Elections in 2009\) Order 2008 \(S.I. 2008/2857\)](#), [art. 3](#)

**Marginal Citations**

**M1** 1972 c. 70.

**17 Combination of polls at local elections.**

—For subsection (3) of section 36 of the principal Act (local elections in England and Wales) there shall be substituted—

“(3) Where the polls at—

- (a) the ordinary election of district councillors for any district ward or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish or community councillors for any parish or community or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.

(3A) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other.

(3B) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.

(3C) The Secretary of State may by regulations make such provision as he thinks fit in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.”.

**18 Ordinary day of local elections.**

(1) <sup>F4</sup> .....

(2) In paragraph (b) of section 37 of that Act (power to fix alternative day as ordinary day of local elections in England and Wales by order made not later than 1st February in the year preceding the first year when the order takes effect) for the words “the first year” there shall be substituted the words “the year (or, in the case of an order affecting more than one year, the first year)”.

**Textual Amendments**

**F4** S. 18(1) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. XI](#)

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## 19 Timing of elections.

- (1) In section 40(1) of the principal Act (days to be disregarded for the purpose of the timing of local elections in England and Wales)—
  - (a) for the words “Sunday, day of the Christmas break, of the Easter break or of a bank holiday break” there shall be substituted the words “Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, bank holiday”; and
  - (b) the words for “In this subsection” onwards shall cease to have effect.
- (2) In section 39 of that Act (local elections void etc. in England and Wales) in subsection (1) (period within which elections to fill vacancies to be held) for the words “42 days” there shall be substituted the words “35 days”.
- (3) In section 43 of that Act (day of ordinary local elections in Scotland and other timing provisions) in subsection (2) immediately before the words “Sunday”, “Christmas Day” and “Good Friday” there shall be inserted respectively the words “Saturday”, “Christmas Eve” and “Maundy Thursday” and for the words “for the purposes of this Act” there shall be substituted the words “for the purposes of this Part of this Act in so far as it relates to the conduct of local government elections in Scotland”.
- (4) In section 119 of that Act (computation of time for purposes of Part II) for subsections (2) and (3) there shall be substituted—
  - “(2) The days referred to in subsection (1) above are Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning.
  - (3) In this section “bank holiday”, in relation to any election, means a day which is a bank holiday in the part of the United Kingdom in which the constituency or, as the case may be, electoral area is situated.”.
- (5) In Schedule 1 to the principal Act (parliamentary elections rules), in rule 2 (computation of time)—
  - (a) in paragraph (1) for sub-paragraph (b) there shall be substituted—
    - “(b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday”;

and

  - (b) paragraph (3) shall cease to have effect.
- (6) In the <sup>M2</sup>Local Government Act 1972—
  - (a) in section 243 (computation of time) in subsection (3) for the words “Where under subsection (1) above the day of election or” there shall be substituted the words “Where under subsection (4) below” and the words “of election or”, in the second place where they occur, and “as the case may be” shall cease to have effect;
  - (b) for the purposes of subsection (4) of that section, subsection (1) of that section shall have effect as if for the words from “Sunday” to “bank holiday break” there were substituted the words “Saturday, Sunday, Christmas Eve, Christmas Day, <sup>F5</sup> ... Good Friday or bank holiday”; and
  - (c) in section 89(1) (period within which elections to fill casual vacancies in office of councillor for principal area to be held) for the words “forty-two days”, in both places where they occur, there shall be substituted the words “thirty-five days”.

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### Textual Amendments

- F5** Words in s. 19(6)(b) repealed (1.1.2007) repealed by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, Sch. 1 para. 53, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 12(c), 13(c) (subject to **art. 6** and with **Sch. 2**)

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### Marginal Citations

- M2** 1972 c. 70.

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