

*Status: Point in time view as at 16/02/2001.*

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## SCHEDULES

### SCHEDULE 4

Section 24.

#### MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

##### *Part I (parliamentary and local government franchise and its exercise)*

- 1 In section 3(1) (disfranchisement of person detained in penal institution in pursuance of sentence) after the word “sentence” there shall be inserted the words “or unlawfully at large when he would otherwise be so detained”.

<sup>F1</sup><sub>2</sub> .....

##### **Textual Amendments**

- F1** Sch. 4 para. 2 repealed (16.2.2001) by 2000 c. 2, s. 15(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1) (subject to transitional provisions in art. 2(3)-(5))

<sup>F2</sup><sub>3</sub> .....

##### **Textual Amendments**

- F2** Sch. 4 para. 3 repealed (16.2.2001) by 2000 c. 2, s. 15(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1) (subject to transitional provisions in art. 2(3)-(5))

- 4 (1) In section 18 (polling districts and places at parliamentary elections) in subsection (2)

- (a) at the end of paragraph (a) there shall be inserted the words “and, in particular, they shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled”; and
- (b) in paragraph (b) the words “in the case of a county constituency” shall cease to have effect.

- (2) In subsection (3) of that section as the end of paragraph (a) there shall be inserted the words “and, in particular, he shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled”.

- (3) In subsection (6) of that section (report of boundaries of polling districts and places to be sent to Secretary of State) paragraph (b) and the word “and” immediately preceding it shall cease to have effect.

- (4) In subsection (7) of that section (polling districts and polling places in Northern Ireland to be those established under law relating to election of members of Northern Ireland Assembly) for the words “the election of members to serve in the Northern Ireland Assembly” there shall be substituted the words “local elections within the meaning of section 130 of the <sup>M1</sup>Electoral Law Act (Northern Ireland) 1962”.

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### Marginal Citations

M1 1962 c. 14 (N.I.)

- 5 At the end of section 26 (returning officer: Northern Ireland) there shall be inserted the following subsection—
- “(2) Sections 14(5) and 14A(2) and (3) of the Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as returning officer.”.
- 6 In section 28 (discharge of returning officer’s functions in England and Wales)—
- (a) in subsection (1)(b) after the word “made” there shall be inserted the words “by statutory instrument”; and
- (b) in subsection (5) for the words from “but” onwards there shall be substituted the words “and a district council or London borough council may assign officers to assist in carrying out all or any of those duties.”.
- 7 Section 38 (nominations and candidate’s death in local election in England and Wales) shall cease to have effect.
- 8 Subsection (8) of section 39 (two copies of every order by a district council under that section to be sent to the Secretary of State) shall cease to have effect.
- 9 Section 44 (candidate’s death in local election in Scotland) shall cease to have effect.
- 10 In section 49 (effect of registers) subsections (1)(d) and (2)(c) shall cease to have effect.
- 11 Section 51 (corrupt and illegal practices lists) shall cease to have effect.
- 12 In section 52 (discharge of registration duties)—
- (a) in subsection (1) for the words “registration duties” there shall be substituted the words “functions under this Act”;
- (b) in subsection (2) the words “by the Secretary of State or, in Scotland” shall cease to have effect;
- (c) in subsection (3) after “by”, in the second place where it occurs, there shall be inserted the words “or with respect to”; and
- (d) for subsections (4) and (5) there shall be substituted—
- “(4) It shall be the duty—
- (a) in England and Wales, of a district council or London borough council, and
- (b) in Scotland, of the council of a region or islands area,
- to assign such officers to assist the registration officer as may be required for carrying out his functions under this Act.
- (5) Subsection (2) above does not apply in Northern Ireland but sections 14(5) and 14A(2) and (3) of the Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer for Northern Ireland in his capacity as registration officer.”.

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- 13 In section 53 (power to make regulations as to registration etc.)—
- <sup>F3</sup>(a) .....
- (b) in subsection (3) for the words “subsections (1) and (2)” there shall be substituted the words “subsection (1)”, and for the words “those subsections” there shall be substituted the words “that subsection”.

**Textual Amendments**

**F3** Sch. 4 para. 13(a) repealed (16.2.2001) by 2000 c. 2, s. 15(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1) (subject to transitional provisions in art. 2(3)-(5))

- 14 In section 54 (payment of expenses of registration)—
- (a) in subsection (1) for the words “registration duties” there shall be substituted the words “functions under this Act”; and
- (b) in subsection (3) for the words from “or” to “expenses” there shall be substituted the words “paid to the registration officer under this Act”.

15 Section 55 (ascertainment of amount of registration expenses) shall cease to have effect.

- 16 In section 56 (registration appeals: England and Wales)—
- (a) subsection (1)(c) shall cease to have effect; and
- (b) after subsection (4) there shall be inserted—
- “(4A) Where, as a result of the decision on an appeal, an alteration in the register is made under subsection (4) above on or before the last day on which nomination papers nominating candidates at an election may be delivered to the returning officer, subsection (3) above does not apply to that appeal as respects that election.”.

<sup>F4</sup>17 .....

**Textual Amendments**

**F4** Sch. 4 para. 17 repealed (16.2.2001) by 2000 c. 2, s. 15(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1) (subject to transitional provisions in art. 2(3)-(5))

<sup>F5</sup>18 .....

**Textual Amendments**

**F5** Sch. 4 para. 18 repealed (16.2.2001) by 2000 c. 2, s. 15(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1) (subject to transitional provisions in art. 2(3)-(5))

- 19 For section 63 (breach of official duty in parliamentary elections) and section 64 (breach of official duty in local elections) there shall be substituted—

**“63 Breach of official duty.**

- (1) If a person to whom this section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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- (2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.
- (3) The persons to whom this section applies are—
- (a) the Clerk of the Crown (or, in Northern Ireland, the Clerk of the Crown for Northern Ireland),
  - (b) any sheriff clerk, registration officer, returning officer or presiding officer,
  - (c) any other person whose duty it is to be responsible after a local government election for the used ballot papers and other documents (including returns and declarations as to expenses),
  - (d) any postmaster, and
  - (e) any deputy of a person mentioned in any of paragraphs (a) to (d) above or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by the law relating to parliamentary or local government elections or the registration of parliamentary or local government electors.”.

*Part II (the election campaign)*

- 20 In subsection (4) of section 67 (appointment of election agent) after the word “appointment” there shall be inserted the words “(or deemed appointment)”.
- 21 In subsection (3) of section 68 (nomination of sub-agent at parliamentary elections) for the words “One clear day” there shall be substituted the words “Not later than the second day”.
- 22 In subsection (1)(a) of section 69 (office of election agent and sub-agent) after the word “agent” there shall be inserted the words “is declared to him”.
- 23 In section 70 (effect of default in election agent’s appointment) there shall be inserted after subsection (3)—
- “(3A) The deemed appointment of a candidate as his own election agent may be revoked as if it were an actual appointment.”.
- 24 In section 75 (prohibition of expenses not authorised by election agent)—
- (a) in subsection (2)(a) for the words “within 14 days after the date of publication of the result of the election send” there shall be substituted the words “within 21 days after the day on which the result of the election is declared deliver”;
  - (b) in subsection (4) for the words “14 days after the date of the publication of the result of the election” there shall be substituted the words “21 days after the day on which the result of the election is declared”; and
  - (c) in subsection (5) after the words “fails to” there shall be inserted the words “deliver or”.
- 25 Section 76(3) (power to vary maximum amount of candidates’ election expenses) shall cease to have effect.

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- 26 In section 78(1) (claims for election expenses which are not sent to the election agent within 14 days after the declaration of the election result to be barred) and in sections 78(4), 79(1) and 79(4) (which refer to that period) for the words “14 days” there shall be substituted the words “21 days”.
- 27 In section 81 (return as to election expenses)—
- (a) in subsections (1) and (5) for the word “transmit” there shall be substituted the word “deliver”; and
  - (b) in subsection (5) for the word “transmitted” there shall be substituted the word “delivered”.
- 28 In section 82 (declaration as to election expenses)—
- (a) in subsections (1) and (3) for the word “transmitted”, in each place where it occurs, there shall be substituted the word “delivered”; and
  - (b) in subsection (2) for the words “transmits” and “transmit or cause to be transmitted” there shall be substituted respectively the words “delivers” and “deliver”.
- 29 In section 85 (penalty for sitting or voting where no return and declarations transmitted)—
- (a) in subsection (1) for the word “transmitted”, in both places where it occurs, and for the word “transmit” there shall be substituted respectively the words “delivered” and “deliver”; and
  - (b) for subsection (3) there shall be substituted—  
“(3) Civil proceedings for a penalty under this section 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.”.
- 30 In section 86 (authorised excuses for failures as to return and declarations)—
- (a) after subsection (1) there shall be inserted—  
“(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director’s representative may attend the hearing of the application and make representations at the hearing in respect of it.”; and
  - (b) in subsection (2) for the word “transmit”, in each place where it occurs, there shall be substituted the word “deliver”.
- 31 In section 87 (court’s power to require information from election agent or sub-agent) in subsection (3) (under which the court may order a person who fails to comply with an order of the court under the section to pay a fine not exceeding £500) for “£500” there shall be substituted “the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale”.
- 32 In section 88 (publication of time and place for inspection of returns and declarations) in paragraph (a) for the word “transmitting” there shall be substituted the word “delivering”.
- 33 In section 89 (inspection of returns and declarations) for the word “sent”, in both places where it occurs, and the word “sending” there shall be substituted respectively the words “delivered” and “delivering”.

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- 34 For subsection (1) of section 91 (candidate’s right to send election address post free) there shall be substituted—

“(1) A candidate at a parliamentary election is, subject to Post Office regulations, entitled to send free of charge for postage either—

- (a) one unaddressed postal communication, containing matter relating to the election only and not exceeding 60 grammes in weight, to each place in the constituency which, in accordance with those regulations, constitutes a delivery point for the purposes of this subsection; or
- (b) one such postal communication addressed to each elector.”.

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

- C1** Sch. 4 para. 34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. III**  
**C2** Sch. 4 para. 34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. II**

- 35 In section 93(2)(b) (period when local government election deemed to be pending for purposes of broadcasting during elections) for the words following “beginning” there shall be substituted the words “with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above”.

- 36 (1) In section 94 (imitation poll cards) after the words “parliamentary election” there shall be inserted the words “or a local government election to which this section applies”.

- (2) At the end of that section there shall be inserted—

“(2) This section applies to any local government election in relation to which rules made under section 36 or, in Scotland, section 42 above require an official poll card to be sent to electors in a form prescribed by the rules.”.

- 37 In section 95 (schools and rooms for parliamentary election meetings)—

- (a) in subsection (1)—
  - (i) after the word “use” there shall be inserted the words “free of charge”;
  - (ii) after the word “and” there shall be inserted the words “the day preceding”; and
- (b) in paragraph (a) of subsection (4) for the words from the beginning to “expenses” there shall be substituted the words “shall defray any expenses”.

- 38 For section 96 (schools and rooms for local election meetings) there shall be substituted—

**“96 Schools and rooms for local election meetings.**

- (1) Subject to the provisions of this section, a candidate at a local government election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use free of charge at reasonable times between the last day on which notice of the election may be published in accordance with

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rules made under section 36 or, in Scotland, section 42 above and the day preceding the day of election of—

- (a) a suitable room in the premises of a school to which this section applies; or
- (b) a meeting room to which this section applies.

(2) This section applies—

- (a) in England and Wales, to a county or voluntary school situated in the electoral area for which the candidate is standing (or, if there is no such school in the area, in any such school in an adjacent electoral area) or in a parish or community, as the case may be, in part comprised in that electoral area; and
- (b) in Scotland, to any school (not being an independent school within the meaning of the Education (Scotland) Act 1980) situated in the electoral area for which the candidate is standing (or, if there is no such school in the area, in any such school in an adjacent electoral area).

(3) This section applies—

- (a) in England and Wales, to any meeting room situated in the electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area, the expense of maintaining which is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so payable;
- (b) in Scotland, to any meeting room the expense of maintaining which is payable by the council of a region, islands area or district.

(4) Subsections (4), (5) and (7) of section 95 above and paragraph 1(1) of Schedule 5 to this Act shall apply for the purposes of this section as they apply for the purposes of that section, and any person stating himself to be, or to be authorised by, a candidate at a local government election in respect of an electoral area which falls (or partly falls) within a constituency, or his election agent, shall be entitled to inspect the lists prepared under Schedule 5 to this Act in relation to the constituency or a copy of them at all reasonable hours during the period beginning with the day on which notice of the election is published and ending with the day preceding the day of election.”.

- 39 In section 97 (disturbances at election meetings) in subsection (2)(b) (section to apply to meetings held on, or within three weeks before, the day of election) for the words “on, or within three weeks before” there shall be substituted the words “in the period beginning with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above and ending with”.
- 40 Section 103(2) (which exempts carriages used only for the conveyance of electors to or from polls from duty etc.) shall cease to have effect.
- 41 In section 106 (false statements as to candidates) subsection (4) (which disapplies that section in relation to elections of councillors in Scotland) shall cease to have effect.
- 42 In section 108 (premises not to be used as committee rooms)—

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- (a) subsection (3) (application of section to licensed premises and premises where refreshments sold for consumption on premises); and
  - (b) in subsection (4) the word “also”,
- shall cease to have effect.

43 In section 118 (interpretation of Part II) in the definition of “return as to election expenses” for the word “transmitted” there shall be substituted the word “delivered”.

*Part III (legal proceedings)*

44 In section 122 (time for presentation or amendment of parliamentary election petition) in subsection (4) for the word “transmitting” there shall be substituted the word “delivering”.

45 In section 124 (judges’ expenses and reception: England and Wales and Northern Ireland) in paragraph (a) the words “receiving the judges and” and paragraph (b) shall cease to have effect.

46 In section 125 (judges’ expenses and reception: Scotland) paragraph (a) shall cease to have effect.

47 In section 126(3) (expenses of shorthand writers) for the words “in receiving the judges” there shall be substituted the words “under section 125 above”.

48 In section 136 (security for costs)—

- (a) in subsection (2)(a) (parliamentary elections) for “£1,000” there shall be substituted “such amount not exceeding £5,000 as the High Court or a judge of the High Court, on summons, directs”;
- (b) in subsection (2)(b) (local government elections) for “£500” there shall be substituted “£2,500”;
- (c) in subsection (2)(i)—
  - (i) at the beginning there shall be inserted the words “the amount mentioned in paragraph (a) above shall be such amount not exceeding £5,000 as the Court of Session or a judge of the Court of Session directs and”; and
  - (ii) for “£500” there shall be substituted “£2,500”;
- (d) for subsection (3) there shall be substituted—

“(3) Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

- (a) a notice of the presentation of the petition and of the amount and nature of the security, and
- (b) a copy of the petition.”; and
- (e) the following provisions shall cease to have effect—
  - (i) in subsection (4) the words “not exceeding five days after service of the notice”;
  - (ii) subsection (5);
  - (iii) in subsection (7) the words “not exceeding five days”.

49 In section 140 (witnesses)—



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- (a) subsection (5) (duty of Director of Public Prosecutions to obey the election court's directions concerning the summoning and examination of witnesses) shall cease to have effect; and
  - (b) in subsection (7)—
    - (i) for the words “Subsections (5) and (6) above do” there shall be substituted the words “Subsection (6) above does”;
    - (ii) for the word “shall”, where it first occurs, there shall be substituted the words “may, if the Lord Advocate so decides, and shall, if the election court so requests”; and
    - (iii) the words from “and shall give” to the end of the subsection shall cease to have effect.
- 50 Sections 141(3) and (4) and 142 (certificates of indemnity given to witnesses by election court) shall cease to have effect.
- 51 In section 156 (costs of election petition)—
- (a) in subsection (1) for the words from “the court” onwards there shall be substituted the words “the court may, subject to the provisions of subsection (5) below, make such order with respect to the whole or part of the costs of the petition as is mentioned in that subsection”; and
  - (b) subsections (2) to (4) (payment of costs by constituency or local authority in certain circumstances) shall cease to have effect.
- 52 In section 160 (persons reported personally guilty of corrupt or illegal practices)—
- (a) subsection (2) (duty of Director of Public Prosecutions to obey the election court's directions concerning person to whom notices are given under section 160(1)) shall cease to have effect; and
  - (b) for subsection (3) there shall be substituted—

“(3) The report shall be laid before the Director of Public Prosecutions.”.
- 53 In section 161 (justice of the peace)—
- (a) for the words “it is the duty of the Director of Public Prosecutions to” there shall be substituted the words “the court shall”; and
  - (b) after the words “Lord Chancellor” there shall be inserted the words “or, in the case of a justice of the peace for any area in Scotland, the Secretary of State”.
- 54 In section 162 (member of legal and certain other professions)—
- (a) in paragraph (a) for the words “it is the duty of the Director of Public Prosecutions to” there shall be substituted the words “the court shall”; and
  - (b) after the words “Inn of Court”, in both places where they occur, there shall be inserted the words “Faculty of Advocates”.
- 55 In subsection (1)(b) of section 163 (holder of licence or certificate under Licensing Acts) for the words “it is the duty of the Director of Public Prosecutions to” there shall be substituted the words “the court shall”.
- 56 In section 167 (applications for relief) after subsection (1) there shall be inserted—

“(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or representative may attend the hearing of the application and make representations at the hearing in respect of it.”.

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- 57 In section 168 (prosecutions for corrupt practices) subsections (5) and (6) (evidence of at least two credible witnesses required in cases of personation) shall cease to have effect.
- 58 Section 171 (prosecution of election petition offences in England and Wales and Northern Ireland) shall cease to have effect.
- 59 Section 172 (prosecution of election petition offences in Scotland) shall cease to have effect.
- 60 In section 173(a) (incapacities which arise on conviction of a corrupt practice on indictment) the words “on indictment” shall cease to have effect.
- 61 In section 176 (time limit for prosecutions)—
- (a) in subsection (1) for the words “any offence to which this section applies” there shall be substituted the words “any offence under any provision contained in or made under this Act”;
  - (b) for subsection (2) there shall be substituted—
    - “(2) For the purposes of this section—
    - (a) in England and Wales, the laying of an information;
    - (b) in Scotland, the granting of a warrant to apprehend or cite the accused (if, in relation to an offence alleged to have been committed within the United Kingdom, such warrant is executed without [F6undue] delay); and
    - (c) in Northern Ireland, the making of a complaint,
 shall be deemed to be the commencement of a proceeding.”; and
  - (c) subsection (3) shall cease to have effect.

#### Textual Amendments

**F6** Words inserted (S.) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1985 \(c. 73, SIF 36:1, 39:1\)](#), ss. 23, 59(1), [Sch. 2 para. 32](#)

- 62 For section 178 (prosecution of offences committed outside United Kingdom) there shall be substituted—

#### “178 Prosecution of offences committed outside the United Kingdom.

Proceedings in respect of an offence under this Act alleged to have been committed outside the United Kingdom by a Commonwealth citizen or citizen of the Republic of Ireland may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.”.

- 63 In section 181—
- (a) in subsection (1) (duty of Director of Public Prosecutions to investigate and bring proceedings where any corrupt or illegal practice has occurred) for the words from “corrupt” to “election” there shall be substituted the words “offence under this Act has been committed”;
  - (b) in subsection (2) (duty of Director of Public Prosecutions or his assistant or representative to attend the trial of every election petition) for the word “shall” there shall be substituted the words “may and, if the election court so requests him, shall”; and

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- (c) in subsection (3) (power of the Director to nominate a barrister or solicitor to be his representative) the words “with the Attorney General’s approval”, “of not less than ten years standing” and “and that representative shall receive such remuneration as the Treasury may approve” shall cease to have effect.

*Part IV (special provisions as to certain local elections)*

- 64 In section 187 (application of Act to certain local elections)—
- (a) in subsection (1) the word “district”, in both places where it occurs, shall cease to have effect; and
- (b) in subsection (2) for “64” there shall be substituted “63”.
- 65 Section 190 (voting offences at election of councillors in Scotland) shall cease to have effect.
- 66 In section 191 (municipal elections in the City) in subsection (1) for “192”, in both places where it occurs, there shall be substituted “193”.
- 67 In section 197 (candidate’s expenses: ward, and liverymen in common hall, elections)—
- (a) in subsection (2) (maximum amount of expenses at an election by liverymen in common hall to be £900) for “£900” there shall be substituted “15p for every elector on the common hall register to be used at the election” and at the end there shall be added the words “and in this subsection ” common hall register’ means the list prepared under section 4 of the City of London Ballot Act <sup>M2</sup>1887”; and
- (b) in subsection (3) of that section (power to vary by order amounts mentioned in subsections (1) and (2) of the section where change in value of money since last occasion amount varied by order) for the words “varied by such an order” there shall be substituted the words “fixed (whether by such an order or otherwise)”.

**Marginal Citations**

M2 50 & 51 Vict. c. xiii

*Part V (general and supplemental)*

- 68 For subsection (1) of section 200 (public notices) there shall be substituted—
- “(1) A public notice required by or under this Act to be given by a returning officer for a parliamentary election shall be given by posting the notice in some conspicuous place or places in the constituency and may also be given in such other manner as he thinks desirable for publicising it.
- (1A) A public notice required by or under this Act to be given by the proper officer of a local authority at a local government election shall be given by posting the notice in some conspicuous place or places in the local government area and may also be given in such other manner as he thinks desirable for publicising it.”.
- 69 For subsection (2) of section 201 (regulations) there shall be substituted—

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“(2) No regulations shall be made under this Act by the Secretary of State otherwise than under section 203(4) below unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.”.

70 In section 203 (interpretation) the definition of “registration duties” shall cease to have effect.

71 In section 203 (local government provisions as to England and Wales)—  
(a) in subsection (1) for the definition of “electoral area” there shall be substituted—

““electoral area” means any electoral division or ward or, in the case of a parish or community in which there are no wards, the parish or community, for which the election of councillors is held under the local government Act”; and

(b) in subsection (4) in paragraph (a) at the beginning there shall be inserted the words “the council shall appoint an officer of the council to be registration officer for the isles and” and the words from “and any” to “officer” shall cease to have effect.

72 In section 205 (general application to Northern Ireland) for paragraph (a) of subsection (1) there shall be substituted—

“(a) a reference to the Attorney General refers to the Attorney General for Northern Ireland;

(aa) a reference to the Director of Public Prosecutions refers to the Director of Public Prosecutions for Northern Ireland;”.

*Schedule 1 (parliamentary elections rules)*

73 In Schedule 1 in rule 1 (timetable)—  
(a) in the second column of the entry relating to polling (general elections) for the word “tenth” there shall be substituted the word “eleventh”; and  
(b) in the third column of that entry (by-elections) for the words “eighth” and “tenth” there shall be substituted respectively the words “ninth” and “eleventh”.

74 In Schedule 1 in rule 5—  
(a) in paragraph (1) (publication of notice of election in the form in the Appendix) the words “in the form in the Appendix”, and  
(b) paragraph (3) (registration officer to give additional notice of certain matters),  
shall cease to have effect.

75 In Schedule 1 at the end of rule 9 (deposit) there shall be added—  
“(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 rule 6(1) above).”.

76 In Schedule 1 in rule 19(2)(d) (under which the counterfoil to the ballot paper is to have the same number printed on the face as is printed on the ballot paper) for the words “on the face” there shall be substituted the words “on it”.

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- 77 In Schedule 1 in rule 23 (notice of the poll)—
- (a) in paragraph (2), paragraph (c) and the word “and” immediately preceding it shall cease to have effect and at the end there shall be inserted the words “and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents”; and
  - (b) paragraph (3) shall cease to have effect.

F778 .....

**Textual Amendments**

F7 Sch. 4 para. 78 repealed (16.2.2001) by 2000 c. 2, s. 15(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1) (subject to transitional provisions in art. 2(3)-(5))

- 79 In Schedule 1 in rule 29(5) (alternative forms of notice to be exhibited in compartments at polling stations) for the words from “a notice” onwards there shall be substituted the words “the notice ”Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.”.

- 80 In Schedule 1 for rule 31 there shall be substituted—

*“ Notification of requirement of secrecy*

- 31 The returning officer shall make such arrangements as he thinks fit to ensure that—
- (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 subsection (2) and (6) of that section.”.

- 81 In Schedule 1 in rule 37(1)(b) for the words “name and description” there shall be substituted the words “and name”.

- 82 In Schedule 1 in rule 45 (the count) for paragraph (1) there shall be substituted—

“(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.

(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.”.

- 83 In Schedule 1 in rule 53—

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- (a) in paragraph (2) (return of deposit) for the words “as soon as practicable after” there shall be substituted the words “not later than the next day after that on which”;
- (b) after that paragraph there shall be inserted—
  - “(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.”.

84 In Schedule 1 in the Appendix of forms the form of the front of a ballot paper shall be amended by the insertion at the top of the words “VOTE FOR ONE CANDIDATE ONLY” in large capitals.

85 In Schedule 1 in the Appendix of forms in the directions as to printing the ballot paper—

- <sup>F8</sup>(a) .....
- (b) in paragraph 2(b) after the word “except” there shall be inserted the words “the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and”;
- (c) in paragraph 2(c) for the words from “the candidates” onwards there shall be substituted the words “the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above”; and
- (d) after paragraph 2 there shall be inserted—
  - “2A The direction mentioned in paragraph 2(a) above shall be printed in large capitals.”.

**Textual Amendments**  
**F8** Schedule 4 para. 85(a) repealed (21.12.1993) by 1993 c. 38, s. 35(1), Sch. 2.

86 In Schedule 1 in the Appendix of forms, for the form of directions for the guidance of the voters in voting there shall be substituted—

*“ Form of directions for the guidance of the voters in voting*

Guidance for Voters

- 1 When you are given a ballot paper make sure it is stamped with the official mark.
- 2 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.
- 3 Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

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- 4 Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.
- 5 If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

*Other Schedules*

- 87 In Schedule 2 (regulations as to registration)—
  - (a) for paragraph 8 there shall be substituted—
    - “8 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 on the electors lists or of any class of such persons, showing the addresses of the person concerned.”;
  - (b) paragraph 9 shall cease to have effect; and
  - (c) after paragraph 11 there shall be inserted—
    - “11A(1) Provisions authorising or requiring registration officers who are data users to supply data, or documents containing information extracted from data and in such form as may be prescribed, to such persons as may be prescribed on payment of a prescribed fee.
    - (2) In this paragraph ”data user’ and ”data’ have the same meanings as in section 1 of the Data Protection Act 1984.”.
- 88 In Schedule 3 (return and declarations as to election expenses) in paragraph 2 of the Form of Declarations for the word “transmitted” there shall be substituted the word “delivered”.
- 89 In Schedule 4 (election expenses at certain local elections in England and Wales)—
  - (a) in paragraph 3 for the word “send” there shall be substituted the word “deliver”; and
  - (b) in paragraph 4(2) for the words from the beginning to “(b)” there shall be substituted the words—
    - “(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”.

<sup>F9</sup>90 .....

**Textual Amendments**

**F9** Sch. 4 para. 90 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. XI

**Status:**

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**Changes to legislation:**

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