

Changes to legislation: Representation of the People Act 1985 is up to date with all changes known to be in force on or before 22 June 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) View outstanding changes

SCHEDULES

PROSPECTIVE

SCHEDULE 1 **N.I.**

SPECIAL POLLING STATIONS IN NORTHERN IRELAND

Modifications etc. (not altering text)

C1 Sch. 1 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. III**

PART I **N.I.**

RIGHT TO VOTE AT SPECIAL POLLING STATIONS

- 1
- (1) Where, in the case of a person entitled to vote as an elector at a parliamentary election in Northern Ireland, the absent voters list shows that a special polling station is allotted to him he may, notwithstanding anything in section 5 of this Act, vote only in person at that polling station.
 - (2) Where a person applies to the Chief Electoral Officer for Northern Ireland (in this Schedule referred to as “the electoral officer”) to vote at a particular parliamentary election in Northern Ireland at a special polling station, the electoral officer shall grant the application if—
 - (a) he is satisfied that the applicant’s circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the parliamentary elections rules,
 - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, and
 - (c) the application meets the prescribed requirements.
 - (3) The electoral officer shall allot a special polling station to any person whose application under this paragraph is granted and shall send him a notice setting out the situation of the special polling station allotted to him and giving such other information as may be prescribed.
 - (4) There shall be included in the absent voters list in respect of each parliamentary election in Northern Ireland a list of persons whose applications under this paragraph have been granted, setting out, in the case of each person, the situation of the special polling station allotted to him and giving such other information as may be prescribed.
 - (5) For the purposes of this paragraph, the electoral officer—

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- (a) shall designate special polling places and may by further designations from time to time alter any designation under this paragraph,
- (b) shall publish such notice as he thinks is required of the situation of any place or places currently designated under this paragraph, and
- (c) shall in respect of each parliamentary election, provide a special polling station in each special polling place, unless he is satisfied that the number of persons likely to vote there at that election does not justify it.

(6) Sub-paragraph (5) above has effect notwithstanding anything in [^{F1}section 18A] of the principal Act.

Textual Amendments

F1 Words in Sch. 1 para. 1(6) substituted (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10, 11, 18, 20, 47, 61, 74, [Sch. 1 para. 135\(2\)](#); [S.I. 2008/1316](#), arts. 2(3), 5(f)(iv)

PART II N.I.

RULES RELATING TO SPECIAL POLLING STATIONS

- 2 The following paragraphs in this Part of this Schedule shall have effect for all purposes as additional rules in Schedule 1 to the principal Act.
- 3 The official mark on the ballot paper of those voting in respect of a constituency at a special polling station—
- (a) shall be different from the official mark on the ballot papers of those voting at the same election in respect of the constituency at polling stations allotted to them under the parliamentary elections rules, and
 - (b) shall be kept secret;
- and an interval of seven years shall intervene between the use of the same official mark on ballot papers of those voting at special polling stations.
- 4 (1) The electoral officer shall provide each presiding officer at a special polling station with a list (in this Schedule referred to as “the special polling list”) of those electors to whom the special polling station has been allotted, showing for each elector—
- (a) the constituency in respect of which he is or appears from the electors lists concerned to be entitled to be registered, and
 - (b) his electoral number.
- (2) Rule 7(6) of the parliamentary elections rules applies for the purposes of this paragraph.
- 5 (1) The electoral officer may, after such consultation as appears to him to be desirable, appoint persons (including candidates and their election agents) to attend special polling stations as observers, and each appointment of an observer—
- (a) shall be made in writing, and
 - (b) shall indicate the polling station or polling stations to which he is assigned.
- (2) References in this Schedule to observers are references to observers appointed under this paragraph.

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- 6
- (1) When the electoral officer has received the ballot boxes and packets from all the special polling stations, he shall in the presence of each candidate wishing to attend or (if a candidate so chooses) his agent—
 - (a) open each ballot box and count and record the number of ballot papers in it,
 - (b) verify each ballot paper account, and
 - (c) in the case of a general election or two or more by-elections, sort the ballot papers into separate packets for each constituency.
 - (2) The electoral officer shall give notice in writing to the candidates of the time and place at which he will begin to count the ballot papers under this paragraph, and no person other than the candidates or (where they so choose) their agents may be present unless permitted by the electoral officer.
 - (3) A person not entitled to attend at the counting of ballot papers under this paragraph shall not be permitted to do so unless the electoral officer—
 - (a) is satisfied that the efficient counting of the ballot papers will not be impeded, and
 - (b) has either consulted the candidates or, as the case may be, their agents or thought it impracticable to do so.
 - (4) The electoral officer shall give to the candidates or, as the case may be, their agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.
 - (5) The electoral officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing unused and spoilt ballot papers) and shall draw up a statement as to the result of the verification, which any candidate or, as the case may be, his agent may copy.
 - (6) In the case of a general election or two or more by-elections, each packet of ballot papers for a constituency, accompanied by a statement of the number of ballot papers, shall be sent to the place where the votes for that constituency are to be counted and the votes given on the ballot papers may, when—
 - (a) in the presence of the counting agents appointed under rule 30 of the parliamentary elections rules, the number of ballot papers in the packet has been counted and compared with the statement, and
 - (b) those ballot papers have been mixed with the ballot papers from at least one ballot box not used at a special polling station,be counted in accordance with the parliamentary elections rules (other than rule 45(1), (1A) and (5)).
 - (7) In any other case, the votes given on any ballot papers counted under this paragraph may, when they have been mixed with the ballot papers from at least one ballot box not used at a special polling station, be counted in accordance with the parliamentary elections rules (other than rule 45(1), (1A) and (5)).
 - (8) References in this paragraph to a candidate's agent are references to his election agent or to his counting agent appointed under rule 30 of the parliamentary elections rules to attend at the counting of the votes.

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- 7 (1) On the completion of the counting at a contested election, the electoral officer shall, in relation to votes cast at special polling stations, forward to the Clerk of the Crown for Northern Ireland—
- (a) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
 - (b) the tendered votes list, the list of votes marked by the presiding officer and the related statements,
 - (c) the packets of counterfoils, and
 - (d) the special polling lists,
- endorsing on each packet a description of its contents and the date of the election to which they relate.
- (2) ^{F2}

Textual Amendments

F2 Sch. 1 para. 7(2) repealed (1.7.2008) by Electoral Administration Act 2006 (c. 22), ss. 10, 11, 18, 20, 47, 61, 74, 77, Sch. 1 para. 135(3), Sch. 2; S.I. 2008/1316, arts. 2(3), 5(f)(iv)(g)(ii)

PART III **N.I.**

MODIFICATIONS OF PARLIAMENTARY ELECTIONS RULES

- 8 Subject to the rules in Part II of this Schedule, the parliamentary elections rules shall have effect in relation to special polling stations so far as applicable to them, but subject to the modifications made by this Part of this Schedule.
- 9 References to the election shall in the case of a general election or two or more by-elections be read as references to the elections in all the constituencies concerned in Northern Ireland and references to candidates at the election shall be construed accordingly.
- 10 References to a candidate's polling agent appointed to attend at a polling station shall be read as references to an observer assigned to that station.
- 11 References to the register of parliamentary electors for an election shall be read as references to the special polling list for that election.
- 12 Rule 5(2) shall apply to applications to vote at a special polling station and to other applications and notices about voting at such stations.
- 13 Rule 20(2) and (3) shall not apply.
- 14 Rules 23, 24 and 25(1) to (4) shall not apply.
- 15 Rules 28 and 29(3)(c) and (d) shall not apply.
- 16 Rule 30(1) to (9) shall not apply.
- 17 Rule 31 shall have effect as if—
- (a) the reference to counting the votes were a reference to counting the ballot papers under this Schedule, and
 - (b) references to provisions of section 66 of the principal Act were references to those provisions as they have effect by virtue of paragraph 27 below.

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- 18 In rule 32—
 (a) paragraph (1)(a) and (e), and
 (b) paragraphs (2), (3) and (4),
shall not apply and the presiding officer shall not admit a person to a special polling station as observer except on production of his appointment.
- 19 Rule 35(1) shall have effect as if the question that may be put under sub-paragraph (a)(i) were— “Are you the person shown in the special polling list for this election as follows?” (*read the whole entry from the list.*)
- 20 Rule 36(1) shall have effect as if the reference to a candidate or his election agent were omitted.
- 21 Rule 39 shall not apply.
- 22 Rule 40(1) shall apply as if, for sub-paragraphs (a) and (b), there were substituted a reference to a particular elector named in the special polling list.
- 23 Rules 44 and 45 shall not apply.

PART IV **N.I.**

MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACTS

- 24 The Representation of the People Acts shall have effect as if the functions of the electoral officer under this Schedule were—
 (a) in the case of functions under paragraph 1(2) and (4) above, functions as registration officer, and
 (b) in any other case, functions as returning officer.
- 25 The reference in section 53(1)(c) of the principal Act to voting by post or proxy includes a reference to voting at a special polling station.
- 26 Section 65(3) of the principal Act shall have effect as if the reference to counting the votes included a reference to counting the ballot papers under this Schedule.
- 27 Section 66 of the principal Act shall have effect as if—
 (a) the duty imposed by subsection (1) were imposed also on observers,
 (b) the reference to the register of electors included a reference to the special polling list, and
 (c) references to the counting of the votes included a reference to counting the ballot papers under this Schedule.
- 28 Paragraph 5A of Schedule 2 to the principal Act shall apply to applications under paragraph 1 above.
- 29 The second reference in section 5(5) of this Act to a polling station does not include a reference to a special polling station.
- 30 The references in section 12(3) of this Act to section 7 of this Act include a reference to paragraph 1 above.

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SCHEDULE 2 **U.K.**

Section 11.

MANNER OF VOTING

PART I U.K.

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

- 1 In section 56 (registration appeals: England and Wales) in subsection (1)(b), for the words “be treated as an absent voter” there shall be substituted the words “vote by proxy or by post as elector”.
- 2 In section 61 (voting offences)—
 - (a) in subsection (1)(a) for the words from “be treated” to the end there shall be substituted the words “vote by proxy or by post as elector, at a parliamentary or local government election, or at parliamentary or local government elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or”;
 - (b) in subsection (1)(b) for the words from “parliamentary” to the end there shall be substituted the words “any parliamentary or local government election or at parliamentary or local government elections knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or”;
 - (c) in subsection (1)(c) the words “or applies to vote by post” shall cease to have effect;
 - (d) in subsection (2)(d) the words “not being a service voter” shall cease to have effect, after the word “elections” there shall be inserted the words “in any constituency” and after the word “force” and the words “an appointment” there shall be inserted the words “in respect of that or another constituency”;
 - (e) subsection (3)(c) shall cease to have effect; and
 - (f) in subsection (4) after the word “constituency” there shall be inserted the words “or at a local government election in any electoral area”.
- 3 In section 202 (interpretation)—
 - (a) before the definition of “Attorney General” there shall be inserted the following definition—
 - ““the absent voters list” means, in relation to any election, the list kept under section 7 of the Representation of the People Act 1985 for that election”; and
 - (b) after the definition of “legal incapacity” there shall be inserted the following definition—
 - ““the list of proxies” has, in relation to any election, the meaning given by section 7 of the Representation of the People Act 1985”.
- 4 In Schedule 1 in rule 5(2)(a) (notice of election to specify time for applying for an absent vote) for the words from “be” to “voter” there shall be substituted the words “vote by post or by proxy”.

F35

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Textual Amendments

F3 Sch. 2 para. 5 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))

- 6 In Schedule 1 in rule 28 (issue of poll cards) in paragraph (1)(b) for the words from “his application” to the end there shall be substituted the words “he is entitled to vote by post as proxy at the election”.
- 7 In Schedule 1 in rule 40 (tendered ballot papers) in paragraph (1)(b) the words “named in the list of persons” shall cease to have effect.
- 8 In Schedule 2 (regulations as to registration) paragraph 5(4) shall cease to have effect and at the end of that paragraph there shall be inserted—
- “5A (1) Provision requiring applications under section 6 or 7 of the Representation of the People Act 1985 to be attested and limiting the number of such applications that a person may attest.
- (2) Provision requiring a person applying under section 7 of the Representation of the People Act 1985 to do so in person, producing a document of a prescribed description.
- (3) Provision as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, in connection with a person’s application to vote by proxy or to vote by post as elector or as proxy.
- (4) Provision authorising or requiring registration officers—
- (a) to make inquiries of persons included in the record kept under section 6(3) of the Representation of the People Act 1985 for the purpose of determining whether there has been a material change of circumstances, and
- (b) to treat failure to respond to such inquiries as sufficient evidence of such a change.”

[^{F4}PART II U.K.]

TRANSITIONAL PROVISION FOR ABSENT VOTERS]

Textual Amendments

F4 Sch. 2 Pt. II 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))

Modifications etc. (not altering text)

C2 Sch. 2 Pt. II applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. III

C3 Sch. 2 Pt. II applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. II

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PART III U.K.

VOTING AT MUNICIPAL ELECTIONS IN THE CITY

- 13 (1) The City of London (Various Powers) Act 1957 ^{M1} shall be amended as follows.
 - (2) In section 8(1), the words from “section 32” to “(proxies at local government elections)” shall be omitted.
 - (3) For section 8(2) and (3) there shall be substituted—
 - “(2) Subject as hereinafter provided, sections 5 to 9 and 12(3) and (4) of the Representation of the People Act 1985 shall apply to and in respect of ward elections, but as if any reference to the polling station allotted or likely to be allotted to any person under rules made (or having effect as if made) under section 36 of the Representation of the People Act 1983 were a reference to the polling station provided or likely to be provided by the returning officer.”
 - (4) In section 8(4) after the words “Act of 1983” there shall be inserted the words “or the Act of 1985” and after the words “subsection (1)” (where they first appear) there shall be inserted the words “or (2)”.
 - (5) In section 8(5) after the words “Act of 1983” there shall be inserted the words “or the Act of 1985” and after the words “subsection (1)” there shall be inserted the words “or (2)”.

Marginal Citations
M1 5 & 6 Eliz. 2 c.x.

SCHEDULE 3 U.K.

Section 23.

PENALTIES

^{F51}

Textual Amendments
F5 Sch. 3 para. 1 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))

- 2 In section 65 (tampering with nomination papers, ballot papers etc.) for subsections (3) to (5) there shall be substituted—
 - “(3) If a returning officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers is guilty of an offence under this section, he shall be liable—
 - (a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding 2 years, or to both;

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(b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both.

(4) If any other person is guilty of an offence under this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.”.

3 In section 66 (requirement of secrecy) in subsection (6) after the words “on summary conviction” there shall be inserted the words “to a fine not exceeding level 5 on the standard scale or”.

4 In section 99 (officials not to act for candidates) for subsection (2) there shall be substituted—

“(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

5 In section 100 (illegal canvassing by police officers) in subsection (2) for the words from “on summary conviction” to “but” there shall be substituted the words “on summary conviction to a fine not exceeding level 3 on the standard scale, but”.

F66

Textual Amendments

F6 Sch. 3 para. 6 repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

F77

Textual Amendments

F7 Sch. 3 para. 7 repealed (16.2.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 2, Sch. Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

8 In section 168 (prosecutions for corrupt practices) for subsections (1) to (4) there shall be substituted—

“(1) A person who is guilty of a corrupt practice shall be liable—

- (a) on conviction on indictment—
 - (i) in the case of a corrupt practice under section 60 above, to imprisonment for a term not exceeding two years, or to a fine, or to both,
 - (ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both;
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.”.

9 In section 169 (prosecutions for illegal practices) for the words from “liable” to “and” there shall be substituted the words “liable to a fine not exceeding level 5 on the standard scale; and”.

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10 In section 175 (illegal payments etc.) in subsection (1) for the words from “liable” to “and” there shall be substituted the words “liable to a fine not exceeding level 5 on the standard scale; and”.

F8 11

Textual Amendments
F8 Sch. 3 para. 11 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))

SCHEDULE 4 **U.K.**

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”.

F9 2

Textual Amendments
F9 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))

F10 3

Textual Amendments
F10 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”.

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- (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 ^{M2}Electoral Law Act (Northern Ireland) 1962”.

Marginal Citations

M2 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

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(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.”.

13 In section 53 (power to make regulations as to registration etc.)—

^{F11}(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

F11 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.”.

^{F12}17

Textual Amendments

F12 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))

^{F13}18

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Textual Amendments

F13 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.
- (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.”.

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- 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.
- 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”.

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- 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”.
- 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)

- C4 Sch. 4 para. 34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. III
- C5 Sch. 4 para. 34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. II

F1435

Textual Amendments

- F14 Sch. 4 para. 35 repealed (1.7.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 3

- 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”;

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- (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 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.”.

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- 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)—
- (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—

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- (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)—
- (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

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- (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.”.
- 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 [^{F15}undue] 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

F15 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

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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
 - (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 ^{M3}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

M3 50 & 51 Vict. c. xiii

Part V (general and supplemental)

- 68 For subsection (1) of section 200 (public notices) there shall be substituted—

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- “(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—
- “(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

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(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”.

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.

F1678

Textual Amendments

F16 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—

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- (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—
 - (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—
 - ^{F17}(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

F17 Schedule 4 para. 85(a) repealed (21.12.1993) by 1993 c. 38, s. 35(1), Sch. 2.

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- [^{F18}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.
- 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.”.]

Textual Amendments

- F18** Sch. 4 para. 86 repealed (E.W.S.) (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\), s. 77\(2\)](#), [Sch. 2](#); [S.I. 2008/1316, arts. 2\(3\), 5\(g\)](#)

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

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(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”.

F1990

Textual Amendments

F19 Sch. 4 para. 90 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. XI

SCHEDULE 5 **U.K.**

Section 28

REPEALS

Chapter	Short title	Extent of repeal
1797 c. 127.	The Meeting of Parliament Act 1797.	Sections 3 to 5.
7 & 8 Geo. 5. c. 64.	The Representation of the People Act 1918.	The whole Act, so far as otherwise unrepealed.
5 & 6 Eliz. 2. c. x.	The City of London (Various Powers) Act 1957.	In section 8(1), the words from “section 32” to “(proxies at local government elections)”.
1972 c. 70.	The Local Government Act 1972.	In section 243(3), the words “of election or” in the second place where they occur and the words “as the case may be”.
1983 c. 2.	The Representation of the People Act 1983.	In section 18, in subsection (2)(b) the words “in the case of a county constituency” and in subsection (6) paragraph (b) and the word “and” immediately preceding it. Sections 19 to 22. Sections 32 to 34. Section 38. Section 39(8).

Changes to legislation: Representation of the People Act 1985 is up to date with all changes known to be in force on or before 22 June 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) View outstanding changes

In section 40(1), the words from “In this subsection” onwards.

In section 43(2)(b), the words “, or section 44(2)”.

Section 44.

In section 49, subsections (1) (d), (2)(c) and (3).

Section 51.

In section 52(2), the words “by the Secretary of State or, in Scotland”.

Section 53(2).

Section 55.

Section 56(1)(c) and (6).

In section 61, in subsection (1)(c) the words “or applies to vote by post”, in subsection (2)(d) the words “not being a service voter” and subsection (3)(c).

Section 76(3).

Section 103(2).

In section 104(b), the words “except section 103(2)”.

Section 106(4).

In section 108, subsection (3) and in subsection (4) the word “also”.

Chapter

Short title

Extent of repeal

1983 c. 2. —*cont.*

The Representation of the People Act 1983—*cont.*

In section 124, in paragraph (a) the words “receiving the judges and” and paragraph (b).

In section 125, paragraph (a).

In section 126(3), the words “and Northern Ireland”.

In section 136, in subsection (4) the words from “not” to “notice”, subsection (5) and in subsection (7) the words “not exceeding five days”.

Changes to legislation: Representation of the People Act 1985 is up to date with all changes known to be in force on or before 22 June 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) View outstanding changes

In section 140, subsection (5) and in subsection (7) the words from “and shall give” to the end of the subsection.

Section 141(3) and (4).

Section 142.

In section 148(4)(a) the words “(appointed with the Attorney General’s approval)”.

Section 156(2) to (4).

Section 160, in subsection (1) the words “and whether” to “indemnity” and subsection (2).

In section 161, the words from “whether” to “not”.

In section 162, the words from “whether” to “not”.

In section 163(1)(b), the words from “whether” to “not”.

Section 168(5) and (6).

In section 169, the words from “(including” to “court”.

Sections 171 and 172.

In section 173(a), the words “on indictment or by an election court”.

In section 176, in subsection (1) the words from “whether” to “otherwise” and subsection (3).

In section 181, in subsection (3) the words from “with” to “approval”, from “of not” to “standing” and from “and” onwards and in subsection (6) the words from “so far” to “defendant”.

Chapter

Short title

Extent of repeal

1983 c. 2.—*cont.*

The Representation of the People Act 1983—*cont.*

In section 187(1), the word “51(2)” and the word

Changes to legislation: Representation of the People Act 1985 is up to date with all changes known to be in force on or before 22 June 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) View outstanding changes

“district” in both places
where it occurs.

Section 190.

In section 191(1)(a), the word
“51(2)”.

Section 192.

In section 196, the words “or
under section 156(2)”.

Section 199.

In section 202(1), the
definition of “registration
duties”.

In section 203(4)(a), the
words from “and any” to
“officer”.

In Schedule 1, rule 2(3).

In Schedule 1, in rule 5, in
paragraph (1) the words “in
the form in the Appendix”
and paragraph (3).

In Schedule 1, in rule 23,
paragraph (2)(c) and the word
“and” immediately preceding
it and paragraph (3).

In Schedule 1, rule 27.

In Schedule 1, in rule 40(1)
(b) the words “named in the
list of persons”.

In Schedule 1, in the
Appendix of Forms, the form
of notice of election.

In Schedule 2, paragraphs
5(4) and 9.

In Schedule 7, paragraphs 8
and 9.

In Schedule 8, in paragraph
3(a)(ii), the words from
“section 32” to “(proxies at
local government elections)”
and paragraph 3(b) and (c).

1984 c. 60.

The Police and Criminal
Evidence Act 1984.

In Schedule 7, in Part I, in
column 3 of the entry relating
to the Representation of the
People Act 1983, the words

Changes to legislation: Representation of the People Act 1985 is up to date with all changes known to be in force on or before 22 June 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) [View outstanding changes](#)

“In Schedule 1, paragraph
36”.

Changes to legislation:

Representation of the People Act 1985 is up to date with all changes known to be in force on or before 22 June 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.

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Changes and effects yet to be applied to :

- s. 15 heading words inserted by [2012 c. 11 s. 2\(6\)](#) (this amendment not applied to [legislation.gov.uk](#). 2012 c. 11, s. 2 omitted (18.5.2017) without ever being in force by virtue of Scotland Act 2016 (c. 11), ss. 10(6), 72(4)(a); S.I. 2017/608, reg. 2(1)(h))
- s. 67 power to amend by [2022 c. 37 Sch. 2 para. 12\(1\)\(b\)](#)
- s. 13(b) repealed by [2011 c. 1 Sch. 12 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 12 Pt. 1 repealed (8.7.2011) without ever being in force by S.I. 2011/1702, arts. 1, 2(c))
- s. 15(1) word omitted by [2012 c. 11 s. 2\(2\)\(a\)](#)
- s. 15(3) words inserted by [2012 c. 11 s. 2\(3\)](#)
- s. 15(5C) inserted by [2012 c. 11 s. 2\(5\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(d)(e) inserted by [2012 c. 11 s. 2\(2\)\(b\)](#)
- s. 15(3ZA) inserted by [2012 c. 11 s. 2\(4\)](#)