

*Status: Point in time view as at 18/11/2003.*

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## SCHEDULES

### SCHEDULE 3

Section 17.

#### AMENDMENTS OF THE REPRESENTATION OF THE PEOPLE ACTS

##### *Preliminary*

- 1 The Representation of the <sup>M1</sup>People Act 1983 shall be amended as follows.

##### **Marginal Citations**

**M1** 1983 c. 2.

##### *Polling districts and stations*

- 2 (1) Section 31 shall be amended as follows.
- (2) After subsection (1A) there shall be inserted—
- “(1B) For any Authority elections, a London borough council or the Common Council may divide their area into polling districts and may alter any polling district.
- For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.”

##### *Returning officers for Greater London and for Assembly constituencies*

- 3 (1) Section 35 shall be amended as follows.
- (2) Before subsection (3) there shall be inserted—
- “(2A) Subsections (2B) and (2C) below have effect in relation to the Greater London Authority.
- (2B) The returning officer at an election of a constituency member of the London Assembly shall be such a person, or a person of such a description, as may be designated by the Secretary of State in an order made by statutory instrument.
- (2C) The returning officer—
- (a) at any election of the Mayor of London,
  - (b) at the election of the London members of the London Assembly at an ordinary election, and
  - (c) for the purposes of section 11 of the 1999 Act (return of London members of the London Assembly otherwise than at an election),
- shall be the proper officer of the Greater London Authority.”
- (3) After subsection (5) there shall be inserted—

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“(6) The council for any London borough shall place the services of its officers at the disposal of any person acting as the returning officer at an Authority election for an electoral area situated wholly or partly in the borough.”

*Rules for local elections*

- 4 (1) Section 36 shall be amended as follows.
- (2) After subsection (2) (which requires rules under the section to apply the parliamentary elections rules with adaptations etc) there shall be inserted—
- “(2A) As regards the Greater London Authority—
- (a) Authority elections, and
- (b) the return of London members of the London Assembly otherwise than at an election,
- shall be conducted in accordance with rules made under this subsection by the Secretary of State.
- Rules made under this subsection need not comply with the requirements of subsection (2) above.
- (2B) As regards lists of candidates submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members), the provision that may be made by rules under subsection (2A) above includes provision for or in connection with any of the following—
- (a) the inclusion, withdrawal, addition or removal of persons;
- (b) cases where a person included in such a list is or becomes, or seeks to become, an individual candidate to be a London member of the London Assembly.”
- (3) Before subsection (5) there shall be inserted—
- “(4B) All expenditure properly incurred by a returning officer in relation to the holding of an Authority election shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the Greater London Authority, exceed that scale, be paid by the Greater London Authority.”
- (4) After subsection (6) (power of council for local government area to advance sums to returning officer before poll at election) there shall be inserted—
- “(6A) Subsection (6) above shall apply in relation to an Authority election as it applies in relation to an election of a councillor for any local government area in England and Wales, but taking the reference to the council of the area as a reference to the Greater London Authority.”

*Ordinary day of local elections*

- 5 (1) Section 37 shall be amended as follows.
- (2) At the beginning there shall be inserted “ (1) ”.
- (3) The subsection (1) so formed shall end with paragraph (b).
- (4) At the beginning of the sentence following paragraph (b) there shall be inserted “ (3) ”.

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(5) After the subsection (1) formed by sub-paragraphs (2) and (3) above there shall be inserted—

“(2) As respects Authority elections, the power conferred by subsection (1)(b) above shall include power to make an order fixing a day other than the first Thursday in May as the day on which the poll is to be held at an ordinary election other than the first.”

*Local elections void etc*

6 (1) Section 39 shall be amended as follows.

(2) In subsection (1) (returning officer to order election to fill vacancy where poll countermanded or abandoned or vacancies remain unfilled) for “an election of a councillor for a local government area” there shall be substituted “ a local government election, other than an election for the return of the London members of the London Assembly, ”.

(3) In subsection (2) (election to an office under the 1972 Act not held on the appointed day etc) after “office under the <sup>M2</sup>Local Government Act 1972” there shall be inserted “ or the 1999 Act ”.

(4) In subsection (6)(a) (which permits an order under the section to make modifications to certain enactments) in sub-paragraph (ii), after “the <sup>M3</sup>Local Government Act 1972” there shall be inserted “ or the 1999 Act ”.

**Marginal Citations**

**M2** 1972 c. 70.

**M3** 1972 c. 70.

*Timing as to local elections*

7 (1) Section 40 shall be amended as follows.

(2) In subsection (1) (provision where anything required to be done by certain enactments falls at a weekend etc) after “Representation of the <sup>M4</sup>People Act 1985” there shall be inserted “ or section 3 of the 1999 Act ”.

(3) In subsection (2) (day to which election is postponed treated as day of election for purposes of certain enactments) after “Local Government Act 1972” there shall be inserted “ and (in the case of an Authority election) the 1999 Act ”.

**Marginal Citations**

**M4** 1985 c. 50.

*Further provision as to local election voting*

8 (1) Section 46 shall be amended as follows.

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(2) In subsection (1) (which makes provision as to the number of votes which a person may give in a local government election) after paragraph (b) there shall be added—

“but this subsection does not apply in relation to Authority elections (where the votes allowed to be given are as specified in the applicable provisions of section 4, 10 or 16 of the 1999 Act).”

*Validity of local expenses, legal costs*

9 (1) Section 48 shall be amended as follows.

(2) After subsection (3) (which refers to the council required to pay the expenses properly incurred by a returning officer) there shall be inserted—

“(3A) In the application of subsection (3) above in relation to an Authority election, the Greater London Authority shall be treated as the council which is required to pay the expenses properly incurred by the returning officer.”

*Voting offences*

10 (1) Section 61 shall be amended as follows.

(2) After subsection (2) (person voting as elector otherwise than by proxy) there shall be inserted—

“(2A) In the case of Authority elections, paragraph (a) of subsection (2) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as an elector otherwise than by proxy—

- (a) more than once at the same election of the Mayor of London;
- (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
- (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly;
- (d) in more than one Assembly constituency at the same ordinary election; or
- (e) in any Assembly constituency at an ordinary election, or an election of the Mayor of London held under section 16 of the 1999 Act, when there is in force an appointment of a person to vote as his proxy at the election in some other Assembly constituency.”

(3) After subsection (3) (person voting as proxy for the same elector) there shall be inserted—

“(3A) In the case of Authority elections, paragraph (a) of subsection (3) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as proxy for the same elector—

- (a) more than once at the same election of the Mayor of London;
- (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
- (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly; or
- (d) in more than one Assembly constituency at the same ordinary election.”

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### *Requirement of secrecy*

- 11 (1) Section 66 shall be amended as follows.
- (2) After subsection (6) there shall be added—
- “(7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words “the candidate for whom”, in each place where they occur, of “, or the registered political party towards the return of whose candidates,”.
- (8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party’s candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.”

### *Election agents*

- 12 (1) Section 67 shall be amended as follows.
- (2) After subsection (1) (name and address of candidate’s election agent) there shall be inserted—
- “(1A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, the requirements of subsection (1) above in relation to those candidates are that not later than the time there mentioned—
- (a) a person shall be named by or on behalf of the party as the election agent of all of those candidates; and
- (b) the declaration required by that subsection shall be made by or on behalf of the party.”
- (3) After subsection (2) (which makes provision for a candidate to name himself as his own election agent) there shall be inserted—
- “(2A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, a candidate included in the list—
- (a) must not under subsection (2) above name himself as his own election agent, but
- (b) may be named by or on behalf of the party as the election agent of all the candidates included in the list,
- and the provisions which have effect by virtue of subsection (2) above in relation to a candidate upon his naming himself as election agent shall also have effect in relation to a candidate upon his being named as election agent by virtue of paragraph (b) above.”
- (4) At the beginning of subsection (3) (one agent only for each candidate) there shall be inserted “ Subject to subsection (3A) below, ” and after that subsection there shall be inserted—
- “(3A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election—

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- (a) the same person must be appointed as election agent for all the candidates included in the list; and
  - (b) any such appointment may only be revoked by or on behalf of the party and in respect of all the candidates.”
- (5) After subsection (5) (declaration of person other than the candidate as election agent) there shall be inserted—

“(5A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, subsection (5) above shall apply in relation to the candidates included in that list as if the reference to a person other than the candidate were a reference to a person other than the candidate whose name appears highest on the list.”

- (6) In subsection (7) (meaning of “appropriate officer” in Part II)—
- (a) after paragraph (a) there shall be inserted—
    - “(aa) in relation to an Authority election, the returning officer for that election (as determined under subsection (2B) of section 35 or, as the case may be, paragraph (a) or (b) of subsection (2C) of that section);”;
  - (b) in paragraph (b), for “a local government election,” there shall be substituted “any other local government election,”.

#### *Sub-agents*

- 13 (1) Section 68 (nomination of sub-agent at parliamentary election for a county constituency) shall be amended as follows.
- (2) In subsection (1) (appointment of sub-agent for part of constituency)—
- (a) after “In the case of” there shall be inserted “ (a) ”;
  - (b) after “county constituency” there shall be inserted “, or
    - (b) an Authority election,”;
  - (c) after “part of the constituency” there shall be inserted “ or electoral area ”.
- (3) In subsection (2) (powers, acts and defaults of the sub-agent), after “constituency”, in each place where it occurs, there shall be inserted “ or electoral area ”.
- (4) After subsection (4) (vacation or revocation of appointment of sub-agent) there shall be inserted—
- “(4A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election—
- (a) the election agent for those candidates must, if he appoints a sub-agent for any part of the electoral area in the case of any of those candidates, appoint the same person as sub-agent for that part of the electoral area in the case of all of the candidates; and
  - (b) any such appointment may only be revoked in respect of all of the candidates.”
- (5) In subsection (5) (declaration to specify the part of the constituency for which the sub-agent is appointed) after “constituency” there shall be inserted “ or electoral area ”.

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- (6) The sidenote to the section accordingly becomes “Nomination of sub-agent at parliamentary or Authority elections.”

*Office of election agent and sub-agent*

- 14 (1) Section 69 (location of office) shall be amended as follows.
- (2) In subsection (2)(b) (local government elections) after “adjoins it” there shall be added “, and that of a sub-agent shall be in the area within which he is appointed to act”.

*Effect of default in election agent’s appointment*

- 15 After section 70 there shall be inserted—

**“70A Application of s.70 in relation to election of London members of the London Assembly.**

- (1) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election—
- (a) section 70 shall not apply in relation to those candidates, but
  - (b) the following provisions of this section shall have effect in place of that section.
- (2) If no person’s name and address is given as required by virtue of section 67(1A) as the election agent of all of the candidates included in the list who remain validly nominated at the latest time for delivery of notices of withdrawals—
- (a) the candidate whose name appears highest on the list shall be deemed at that time to have been named on behalf of the party as election agent for all of the candidates; and
  - (b) any appointment of another person as election agent for those candidates shall be deemed to have been revoked.
- (3) If—
- (a) the person whose name and address have been so given as those of the election agent for the candidates dies, and
  - (b) a new appointment is not made on the day of the death or on the following day,
- the candidate whose name appears highest on the list shall be deemed to have been named on behalf of the party as election agent for all of the candidates as from the time of death.
- (4) If the appointment of the election agent for the candidates is revoked without a new appointment being made, the candidate whose name appears highest on the list shall be deemed to have been appointed (or re-appointed) election agent.
- (5) The deemed appointment of a candidate as election agent may be revoked as if it were an actual appointment.
- (6) Where a candidate included in the list is by virtue of this section to be treated as election agent, he shall be deemed to have his office—

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- (a) at his address as given in the statement as to persons nominated; or
- (b) if that address is outside the permitted area for the office, at the qualifying address of the person (or first person) named in that statement as his proposer.

(7) The appropriate officer, on being satisfied that a candidate is by virtue of this section to be treated as election agent, shall forthwith proceed to publish the like notice as if the name and address of the candidate and the address of his office had been duly given to him under sections 67 and 69.”

### *Election expenses*

<sup>F1</sup>16 .....

#### **Textual Amendments**

**F1** Sch. 3 para. 16 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, Annex (subject to transitional provisions in Sch. 1 Pt. II)

### *Payment of expenses through election agent*

- 17 (1) Section 73 shall be amended as follows.
- (2) In subsection (3) (parliamentary election where sub-agents are allowed) after “parliamentary” there shall be inserted “ or Authority ”.

### *Candidate’s personal expenses and petty expenses*

- 18 (1) Section 74 shall be amended as follows.
- (2) In subsection (1) (which authorises a candidate to pay personal expenses, but subject to a limit in the case of a parliamentary election) after “but” there shall be inserted “ (a) ” and for “and” there shall be substituted—
- “(b) the amount which a candidate at an election of the Mayor of London may pay shall not exceed £5,000,
  - (c) the amount which a candidate at an election of a constituency member of the London Assembly may pay shall not exceed £600, and
  - (d) the amount which a candidate to be a London member of the London Assembly at an ordinary election may pay shall not exceed £900,

and, where paragraph (a), (b), (c) or (d) above applies, ”.

(3) After subsection (1) there shall be inserted—

“(1A) In the application of subsection (1) above in relation to a person who is a candidate in two or more Authority elections those elections shall be treated—

- (a) if one of them is an election of the Mayor of London, as if they together constituted a single election falling within paragraph (b) of that subsection, and



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- (b) in any other case, as if they together constituted a single election falling within paragraph (d) of that subsection.”

*Prohibition of expenses not authorised by election agent*

- 19 (1) Section 75 shall be amended as follows.
- (2) In subsection (1) (which prohibits the incurring of certain expenses by any person other than the candidate, his agent or persons authorised in writing by the agent)—
- (a) after “promoting or procuring the election of a candidate” there shall be inserted “ (or, in the case of an election of the London members of the London Assembly at an ordinary election, a registered political party or candidates of that party) ”; and
  - (b) at the end of paragraph (c) there shall be added “; or
    - (d) in the case of an election of the London members of the London Assembly at an ordinary election, of otherwise presenting to the electors the candidate’s registered political party (if any) or the views of that party or the extent or nature of that party’s backing or disparaging any other registered political party”; and
  - (c) after the words “but paragraph (c)” there shall be inserted “ or (d) ”.
- (3) After subsection (1) there shall be inserted—
- “(1A) In the application of subsection (1) above in relation to an election of the London members of the London Assembly at an ordinary election, any reference to the candidate includes a reference to all or any of the candidates of a registered political party.”
- <sup>F2</sup>(4) .....
- (5) At the end of the section there shall be added—
- “(7) For the purposes of this section, in the case of an election of the London members of the London Assembly at an ordinary election, a candidate’s registered political party is the registered political party (if any) which submitted for the purposes of that election a list of candidates on which the candidate in question is included.”

**Textual Amendments**

**F2** Sch. 3 para. 19(4) 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, Annex (subject to transitional provisions in Sch. 1 Pt. II)

*Limitation of election expenses*

- 20 (1) Section 76 shall be amended as follows.
- (2) After subsection (1) (which limits the expenditure which may be incurred by a candidate or his agent in respect of the conduct or management of the election) there shall be inserted—
- “(1A) Where a registered political party submits a list of candidates to be London members of the London Assembly at an ordinary election, subsection (1)

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above shall not have effect in relation to any of those candidates or his election agent; but—

- (a) any sums paid or expenses incurred as mentioned in that subsection by any of those candidates or the election agent must not in the aggregate exceed the maximum amount specified in this section; and
- (b) a candidate or election agent who knowingly acts in contravention of this subsection shall be guilty of an illegal practice.”

(3) In subsection (2)(b) (which specifies the maximum amount for a local government election) after “a local government election” there shall be inserted “ other than an Authority election ”.

(4) After subsection (2) there shall be inserted—

“(2A) As respects Authority elections, each of the following, that is to say—

- (a) the maximum amount for a candidate in an election of the Mayor of London,
- (b) the maximum amount for a candidate in an election of a constituency member of the London Assembly,
- (c) the maximum amount for an individual candidate in an election of the London members of the London Assembly at an ordinary election,
- (d) the maximum amount for the purposes of subsection (1A) above,

shall be such as the Secretary of State may prescribe in an order made by statutory instrument.

(2B) An order under subsection (2A) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”

(5) In subsection (5) (maximum amount not to cover personal expenses of candidate at a parliamentary election) after “parliamentary election” there shall be inserted “ or an Authority election (including the maximum amount for the purposes of subsection (1A) above) ”.

*Power to vary provisions concerning election expenses*

F<sup>3</sup>21

**Textual Amendments**

**F3** Sch. 3 para. 21 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, Annex (subject to transitional provisions in Sch. 1 Pt. II)

*Expenses limit for joint candidates at local election*

22 (1) Section 77 shall be amended as follows.

(2) In subsection (1) (reduction of maximum amount under section 76 in the case of joint candidates at a local government election) after “local government election” there shall be inserted “ other than an Authority election ”.

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*Return as to election expenses*

- 23 (1) Section 81 shall be amended as follows.
- (2) After subsection (1) (which allows 35 days after the day of the declaration for the making of the return) there shall be inserted—
- “(1A) Subsection (1) above—
- (a) in its application in relation to an election of the Mayor of London, shall have effect with the substitution for “35 days” of “70 days”; and
- (b) in its application in relation to the election of the London members of the London Assembly at an ordinary election, shall have effect with the substitution for “35 days after the day on which the result of the election is declared” of “70 days after the day on which the last of the successful candidates at the election is declared to be returned.””
- (3) After subsection (5) there shall be inserted—
- “(6) Where a registered political party submits a list of two or more candidates to be London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect in relation to those candidates and their election agent with the following modifications.
- (7) The return which the election agent is required to deliver under subsection (1) above—
- (a) shall be in respect of all those candidates; and
- (b) shall be in the form set out for the purpose in rules under section 36(2A) above or to the like effect.
- (8) If any payments made by the election agent were in respect of two or more candidates, the return shall deal under a separate heading or subsection with all such payments, and the expenses to which they relate, in respect of those candidates.
- (9) The statements which the return is required to contain by virtue of subsection (3) above in respect of the matters there mentioned shall be a separate statement of each such matter as respects each of the candidates in question.
- (10) If and to the extent that any such matter is referable to two or more candidates together, the return shall contain a separate statement of that matter as respects those candidates.
- (11) Where one of the candidates is the election agent, subsection (4) above shall have effect, as respects that candidate, as it has effect where a candidate is his own election agent.”

*Declarations as to election expenses*

- 24 (1) Section 82 shall be amended as follows.
- (2) In subsection (1) (declaration by agent) for “the form in Schedule 3 to this Act” there shall be substituted “ the appropriate form ”.

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(3) In subsection (2) (declaration by candidate) for “the form in that Schedule” there shall be substituted “ the appropriate form ”.

(4) After subsection (2) there shall be inserted—

“(2A) For the purposes of subsections (1) and (2) above, “the appropriate form”—

- (a) in the case of the election agent for the candidates on a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party, is the form set out for the purpose in rules under section 36(2A) above;
- (b) in the case of any of the candidates included in such a list, is the form set out for the purpose in those rules; and
- (c) in any other case, is the form in Schedule 3 to this Act.”

<sup>F4</sup>(5) .....

(6) After subsection (5) there shall be inserted—

“(5A) Where one of the candidates included in a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party is the election agent for those candidates, the declarations required by subsections (1) and (2) above shall instead be modified as specified in the form set out in the rules under section 36(2A) above.”

#### **Textual Amendments**

**F4** Sch. 3 para. 24(5) 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, Annex (subject to transitional provisions in Sch. 1 Pt. II)

#### *Penalty for sitting or voting where no return and declarations transmitted*

25 (1) Section 85 shall be amended as follows.

(2) After subsection (2) there shall be inserted—

“(2A) As respects Authority elections—

- (a) subsections (1) and (2) above shall not apply in relation to a candidate in an election of the Mayor of London (for which separate provision is made by section 85A below);
- (b) in the case of any other Authority election, the reference in subsection (2)(a) above to the council for the local government area for which the election was held shall be taken as a reference to the London Assembly; and
- (c) in the case of a candidate included in a list submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members) by a registered political party, the references in subsection (1) above to the returns and declarations in respect of election expenses shall be taken as references to the declaration as to election expenses by the candidate.”

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*Disqualification where no return and declarations transmitted after Mayoral election*

26 After section 85 there shall be inserted—

**“85A Disqualification where no return and declarations transmitted after election of Mayor of London.**

- (1) If, in the case of any candidate at an election of the Mayor of London, the return and declarations as to election expenses are not delivered before the expiry of the time limited for the purpose, the candidate shall, as respects that election, be disqualified from being elected or being the Mayor of London.
- (2) Any application under section 86 below by such a candidate for relief in respect of a failure to deliver the return and declarations as to election expenses must be made within the period of 6 weeks following the day on which the time limited for their delivery expires.
- (3) A disqualification under subsection (1) above shall not take effect unless or until—
  - (a) the period specified in subsection (2) above for making an application for relief under section 86 below expires without such an application having been made; or
  - (b) if such an application is made, the application—
    - (i) is finally disposed of without relief being granted; or
    - (ii) is abandoned or fails by reason of non-prosecution.”

*Publication of time and place for inspection of returns and declarations*

- 27 (1) Section 88 shall be amended as follows.
- (2) In the words preceding paragraph (a), after “At a parliamentary election” there shall be inserted “ or an Authority election ”.
  - (3) In paragraph (a) (which requires publication of notices in at least two newspapers circulating in the constituency for which the election was held) after “the constituency” there shall be inserted “ or electoral area ”.

*Broadcasting during elections*

<sup>F5</sup>28 .....

**Textual Amendments**

**F5** Sch. 3 para. 28 repealed (16.3.2001) by 2000 c. 41, s. 158(2), Sch. 22 (with s. 156(6)); S.I. 2001/222, art. 3

*Schools and rooms for election meetings*

- 29 (1) Section 96 shall be amended as follows.
- (2) In subsection (1) (which entitles a candidate to the use of certain premises for holding public meetings in furtherance of his candidature) for “in furtherance of his

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candidature” there shall be substituted “to promote or procure the giving of votes at that election—

- (i) for himself, or
- (ii) if he is a candidate included in a list of candidates submitted by a registered political party at an election of the London members of the London Assembly at an ordinary election, towards the return of candidates on that list”.

#### *Bribery*

- 30 (1) Section 113 shall be amended as follows.
- (2) In subsection (2) (conduct which constitutes bribery) at the end of paragraph (ii) there shall be added “; and
- (iii) references to procuring the return of any person at an election include, in the case of an election of the London members of the London Assembly at an ordinary election, references to procuring the return of candidates on a list of candidates submitted by a registered political party for the purposes of that election”.

#### *Election court for local election and place of trial*

F<sup>63</sup>1 .....

#### **Textual Amendments**

**F6** Sch. 3 para. 31 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, Annex (subject to transitional provisions in Sch. 1 Pt. II)

#### *Consequences of election etc of London members being declared void.*

- 32 (1) In section 135 (consequences of local election declared void) after subsection (1) (which provides for a new election in certain cases) there shall be inserted—

“(1A) Subsection (1) above shall not apply in the case of an election of the London members of the London Assembly at an ordinary election (for which separate provision is made by section 135A below).”

- (2) After section 135 there shall be inserted—

#### **“135A Consequences of election or return of London members being declared void.**

- (1) This section applies where the election court has made a determination under section 145 below at the conclusion of the trial of a petition questioning the election of the London members of the London Assembly at an ordinary election.
- (2) Where, pursuant to section 145(6) below, the proper officer of the Greater London Authority receives the copy of the certificate of the election court’s determination in relation to the election which was questioned, he shall send notice of the determination to the Greater London returning officer.

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- (3) If the election is not declared void but—
  - (a) the return of a candidate at the election is declared void, and
  - (b) no other person has been declared returned in his place,the vacancy shall be filled (or, as the case may be, remain unfilled) as if it were a casual vacancy (see section 11 of the Greater London Authority Act 1999).
- (4) If the election is declared void, a new election shall be held in the same manner as at an ordinary election.
- (5) The date of the poll at the new election shall be fixed by the Greater London returning officer.
- (6) The date fixed shall be no later than three months after the receipt by the Greater London returning officer of the notice under subsection (2) above.
- (7) A new election shall not be held if the latest date which may be fixed for the poll falls within the period of three months preceding an ordinary election.
- (8) If the determination of the election court is that the election is void, the Greater London returning officer shall inform the returning officer for each Assembly constituency of—
  - (a) the contents of the notice under subsection (2) above; and
  - (b) the date fixed for the poll at the new election.
- (9) The results of the elections of the constituency members of the London Assembly at the last ordinary election shall have effect for the purposes of ascertaining the results of the new election.”

*Conclusion of trial of local election petition*

- 33 (1) Section 145 shall be amended as follows.
- (2) After subsection (1) (which specifies the questions to be determined by the election court) there shall be inserted—
- “(1A) In the application of subsection (1) above in relation to an election of the London members of the London Assembly at an ordinary election, for the words from “shall determine” to “void,” there shall be substituted “shall determine whether—
- (a) the person or persons whose return is complained of were duly returned,
  - (b) some other person or persons should have been declared to be returned, or
  - (c) the election was void, ”.”

*Election court determination in respect of election of Mayor or constituency member*

- 34 After section 145 there shall be inserted—

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**“145A Determination in respect of election of Mayor of London or constituency member of London Assembly.**

- (1) This section applies where the election court makes a determination under section 145 above in respect of—
  - (a) the election of the Mayor of London, or
  - (b) the election of a constituency member of the London Assembly, and the conditions in subsections (2) and (3) below are satisfied.
- (2) The first condition is that the determination of the election court is—
  - (a) that the person whose election is complained of was not duly elected; or
  - (b) that the election was void.
- (3) The second condition is that the return of that person at that election was taken into account for the purpose of deciding which persons were to be returned as London members of the London Assembly.
- (4) Where this section applies, the validity of the return of the London members of the London Assembly shall not be affected by—
  - (a) the determination of the election court; or
  - (b) in a case falling within subsection (1)(b) above, the subsequent return of a person as the constituency member for the Assembly constituency concerned.”

*Candidate reported guilty of corrupt or illegal practice*

F735

**Textual Amendments**

**F7** Sch. 3 para. 35 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, Annex (subject to transitional provisions in Sch. 1 Pt. II)

*Avoidance of election for employing corrupt agent*

- 36 (1) Section 165 shall be amended as follows.
- (2) After subsection (3) (vote given for person incapable of being elected by reason of employing corrupt agent not to be deemed to be thrown away unless given for same person at a poll consequent on the decision of an election court) there shall be added—
- “(4) In the case of an election of the Mayor of London, a vote deemed in accordance with subsection (3) above to be thrown away shall be so deemed only to the extent that it is a vote given so as to indicate that the person who was under the incapacity is the voter’s first or second preference from among the candidates.”



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*References to elections under the local government Act to include Authority elections*

37 After section 189 there shall be inserted—

*“ The Greater London Authority*

**189A Extension of references to elections under the local government Act.**

For the purposes of—

- (a) Part II of this Act,
- (b) Part III of this Act, and
- (c) section 189 above,

any reference to an election under the local government Act includes a reference to an Authority election.”

*General provisions as to interpretation*

38 (1) Section 202 shall be amended as follows.

(2) In subsection (1)—

- (a) in the definition of “election”, after “parliamentary election” there shall be inserted “, an Authority election”;
- (b) in paragraph (b) of the definition of “election court”, after “questioning” there shall be inserted “ an Authority election or ”;
- (c) for the definition of “proper officer” there shall be substituted—

““proper officer”—

- (a) in relation to the Greater London Authority, has the same meaning as in the 1999 Act (see section 424(2) of that Act);
- (b) except as provided by paragraph (a) above, in England and Wales means a proper officer within the meaning of section 270(3) and (4) of the <sup>M5</sup>Local Government Act 1972;”.

(3) In subsection (1), after the definition of “proper officer” there shall be inserted—

“ “registered political party” means a party registered under the <sup>M6</sup>Registration of Political Parties Act 1998;”.

**Marginal Citations**

**M5** 1972 c. 70.

**M6** 1998 c. 48.

*Interpretation: local government provisions*

39 (1) Section 203 (local government provisions as to England and Wales) shall be amended as follows.

(2) In subsection (1), the following definitions shall be inserted at the appropriate places—

““the 1999 Act” means the Greater London Authority Act 1999;”;

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““Assembly constituency” has the same meaning as in the 1999 Act (see section 2(4) and (5) of that Act);”;

““Authority election” means—

- (a) any election of the Mayor of London;
- (b) any election of a constituency member of the London Assembly;
- or
- (c) the election of the London members of the London Assembly at an ordinary election;”;

““constituency member”, in relation to the London Assembly, has the same meaning as in the 1999 Act;”;

““election of a constituency member of the London Assembly” means—

- (a) any such election at an ordinary election; or
- (b) an election under section 10 of the 1999 Act (election to fill a vacancy in an Assembly constituency);”;

““election of the Mayor of London” means—

- (a) any such election at an ordinary election; or
- (b) an election under section 16 of the 1999 Act (election to fill a vacancy in the office of Mayor of London);”;

““London member”, in relation to the London Assembly, has the same meaning as in the 1999 Act;”.

(3) In subsection (1), in the definition of “electoral area”, after “means” there shall be inserted “ (a) ” and at the end of the definition there shall be added—

- “ (b) Greater London, in the case of—
  - (i) any election of the Mayor of London; or
  - (ii) the election of the London members of the London Assembly at an ordinary election;
- (c) any Assembly constituency for which the election of a constituency member of the London Assembly is held;”.

(4) In subsection (1)—

- (a) in the definition of “local authority”, after “means” there shall be inserted “ the Greater London Authority, ”;
- (b) in the definition of “local government area”, after “means” there shall be inserted “ Greater London, ”;
- (c) in the definition of “local government election”, after “means” there shall be inserted “ (a) ” and at the end of the definition there shall be added “; or (b) any Authority election”.

(5) After subsection (1) there shall be inserted—

“(1A) In the application of this Act in relation to England and Wales, unless the context otherwise requires, any reference to—

- (a) a local government election, or
  - (b) an election under the local government Act,
- shall be taken to include a reference to an Authority election.

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(1B) Any reference in this Act to a registered political party submitting a list of candidates to be London members of the London Assembly at an ordinary election shall be construed in accordance with section 4(5)(a) of, and Part II of Schedule 2 to, the 1999 Act; and related expressions shall be construed accordingly.”

(6) For subsection (2) (application of Part I in relation to the City and parliamentary elections) there shall be substituted—

“(2) The following provisions of this Act, namely—

- (a) Part I, so far as it has effect for the purposes of parliamentary elections, and
- (b) Parts I to III, so far as they have effect for the purposes of Authority elections,

shall (subject to any express provision contained in the Part or Parts in question) apply in relation to the City as if the City were a London borough and the Common Council were a London borough council.

For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.”

**Status:**

Point in time view as at 18/11/2003.

**Changes to legislation:**

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