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Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART I

THE ELECTORAL COMMISSION

Establishment of Electoral Commission and bodies with related functions

1 Establishment of the Electoral Commission.

- (1) There shall be a body corporate to be known as the Electoral Commission or, in Welsh, Comisiwn Etholiadol (in this Act referred to as “the Commission”).
- (2) The Commission shall consist of members to be known as Electoral Commissioners.
- (3) There shall be not less than five, but not more than nine, Electoral Commissioners.
- (4) The Electoral Commissioners shall be appointed by Her Majesty (in accordance with section 3).
- (5) Her Majesty shall (in accordance with section 3) appoint one of the Electoral Commissioners to be the chairman of the Commission.
- (6) Schedule 1, which makes further provision in relation to the Commission, shall have effect.

2 Speaker’s Committee.

- (1) There shall be a Committee (to be known as “the Speaker’s Committee”) to perform the functions conferred on the Committee by this Act.
- (2) The Speaker’s Committee shall consist of the Speaker of the House of Commons, who shall be the chairman of the Committee, and the following other members, namely—

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- (a) the Member of the House of Commons who is for the time being the Chairman of the Home Affairs Select Committee of the House of Commons;
 - [^{F1}(b) the Lord Chancellor;]
 - (c) a Member of the House of Commons who is a Minister of the Crown with responsibilities in relation to local government; and
 - (d) five Members of the House of Commons who are not Ministers of the Crown.
- (3) The member of the Committee mentioned in subsection (2)(c) shall be appointed to membership of the Committee by the Prime Minister.
- (4) The members of the Committee mentioned in subsection (2)(d) shall be appointed to membership of the Committee by the Speaker of the House of Commons.
- (5) Schedule 2, which makes further provision in relation to the Speaker’s Committee, shall have effect.
- (6) In this section and that Schedule, references to the Home Affairs Select Committee shall—
- (a) if the name of that Committee is changed, be taken (subject to paragraph (b)) to be references to the Committee by its new name;
 - (b) if the functions of that Committee at the passing of this Act with respect to electoral matters (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons, be taken to be references to the committee by whom the functions are for the time being exercisable.

Textual Amendments

F1 S. 2(2)(b) substituted (25.11.2002) by [S.I. 2002/2626](#), art. 20, [Sch. 2 para. 25\(2\)](#)

Modifications etc. (not altering text)

C1 S. 2(2)(b): functions transferred (25.11.2002) by [S.I. 2002/2626](#), [arts. 11-13](#)

3 Appointment of Electoral Commissioners and Commission chairman.

- (1) The powers of Her Majesty under section 1(4) and (5) shall be exercisable on an Address from the House of Commons.
- (2) No motion shall be made for such an Address except—
- (a) with the agreement of the Speaker of the House of Commons; and
 - (b) after consultation with the registered leader of each registered party to which two or more Members of the House of Commons then belong.
- (3) Such an Address shall specify the period (not exceeding 10 years) for which each proposed Electoral Commissioner to whom the Address relates is to hold office as such Commissioner or (as the case may be) the period for which the proposed chairman of the Commission is to hold office as such chairman.
- (4) A person may not be appointed as an Electoral Commissioner if the person—
- (a) is a member of a registered party;
 - (b) is an officer or employee of a registered party or of any accounting unit of such a party;

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- (c) holds a relevant elective office (within the meaning of Schedule 7); or
- (d) has at any time within the last ten years—
 - (i) been such an officer or employee as is mentioned in paragraph (b), or
 - (ii) held such an office as is mentioned in paragraph (c), or
 - (iii) been named as a donor in the register of donations reported under Chapter III or V of Part IV ^[F2], or
 - (iv) been named as a participant in the register of recordable transactions reported under Part 4A.]
- (5) An Electoral Commissioner, or the chairman of the Commission, may be re-appointed (or further re-appointed).
- (6) In subsection (2)(b) the reference to Members of the House of Commons does not include any Member of that House who at the time in question—
 - (a) has not made and subscribed the oath required by the ^{M1}Parliamentary Oaths Act 1866 (or the corresponding affirmation); or
 - (b) is disqualified from sitting and voting in that House.
- (7) In this section “registered party”—
 - (a) includes (in relation to times before the appointed day for the purposes of Part II of this Act) a party registered under the ^{M2}Registration of Political Parties Act 1998; and
 - (b) in subsection (4)(b) also includes (in relation to times before 1st April 1999) any political party.

Textual Amendments

- F2** S. 3(4)(d)(iv) and preceding word inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(1), [Sch. 1 para. 139](#); S.I. 2006/1972, [art. 3](#), [Sch. 1 paras. 24, 25\(g\)](#) (subject to [art. 4](#), [Sch. 2](#))

Marginal Citations

- M1** 1866 c. 19.
M2 1998 c. 48.

VALID FROM 21/07/2009

^[F3]3A Four Electoral Commissioners to be persons put forward by parties

- (1) Four of the Electoral Commissioners shall each be a person whom the registered leader of a qualifying party put forward to be considered for appointment as an Electoral Commissioner (a “nominated Commissioner”).
- (2) In subsection (1) “qualifying party” means a registered party with two or more Members of the House of Commons at the time of the person's appointment.
- (3) Three of the nominated Commissioners shall each be a person put forward by the registered leader of one of the three largest nominating parties at the time of the person's appointment.
- (4) In subsection (3) “nominating party” means a party whose registered leader—

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- (a) has put forward three persons to be considered for appointment as a nominated Commissioner, or
 - (b) previously put forward persons one of whom was appointed as a nominated Commissioner and is expected to continue to hold office.
- (5) No appointment may be made that would result in two or more nominated Commissioners being persons put forward by the leader of the same party (and nothing in this section has effect so as to require that result).
- (6) A nominated Commissioner may not be appointed as the chairman of the Commission.
- (7) For the purposes of this section, the relative size of any two or more registered parties shall be determined according to the number of Members of the House of Commons belonging to each party at the time in question (or, in the case of two parties with the same number of Members, according to the total number of votes cast for persons standing for election in the name of each of those parties at the most recent parliamentary general election).
- (8) A reference in this section to a Member of the House of Commons does not include any Member of that House who at the time in question—
- (a) has not made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation), or
 - (b) is disqualified from sitting and voting in that House.]

Textual Amendments

F3 S. 3A inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 5(2), 43(1)(5)(b)

4 Parliamentary Parties Panel.

- (1) There shall be a panel (to be known as “the Parliamentary Parties Panel”) which consists of representatives of qualifying parties appointed in accordance with this section.
- (2) The function of the panel shall be to submit representations or information to the Commission about such matters affecting political parties as the panel think fit.
- (3) Where the panel submit any such representations or information to the Commission, the Commission shall—
 - (a) consider the representations or information, and
 - (b) decide whether, and (if so) to what extent, they should act on the representations or information.
- (4) Each qualifying party shall be entitled to be represented on the panel by a person appointed to the panel by the treasurer of the party.
- (5) Subject to subsection (6), a person so appointed shall be a member of the panel for such period as the treasurer of the party may determine when making the appointment.
- (6) A person so appointed shall cease to be a member of the panel if at any time—
 - (a) his appointment is terminated for any reason by the treasurer of the party, or
 - (b) the party ceases to be a qualifying party.

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- (7) The panel may determine their own procedure.
- (8) The validity of any proceedings of the panel shall not be affected by any failure by the treasurer of a qualifying party to make any appointment in accordance with this section.
- (9) In this section “qualifying party” means a registered party—
- (a) to which two or more Members of the House of Commons for the time being belong, who have made and subscribed to the oath required by the ^{M3}Parliamentary Oaths Act 1866 (or the corresponding affirmation) and are not disqualified from sitting or voting in the House; or
 - (b) to which two or more such Members belonged immediately after the most recent parliamentary general election.

Commencement Information

I1 S. 4 wholly in force at 16.2.2001; s. 4 not in force at Royal Assent, see s. 163(2); s. 4 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

Marginal Citations

M3 1866 c. 19.

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