

Status: Point in time view as at 29/06/2011.

Changes to legislation: Political Parties, Elections and Referendums Act 2000, SCHEDULE 17 is up to date with all changes known to be in force on or before 23 July 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)

SCHEDULES

SCHEDULE 17

Section 137.

AMENDMENTS RELATING TO ELECTION PETITIONS

Preliminary

1 The Representation of the ^{M1}People Act 1983 shall be amended as follows.

Commencement Information

I1 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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

M1 1983 c. 2.

Local election petitions

2 In section 130 (election court for election in England and Wales and place of trial), in subsection (2)(b) (disqualification of persons to constitute election court) for the words from “area” onwards substitute “ area in which he resides. ”

Commencement Information

I2 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

Procedure on all election petitions

3 (1) For section 137 there shall be substituted—

“137 Petition at issue.

(1) The petition shall be at issue as from the relevant time, as defined by subsection (2) below.

(2) In this section “the relevant time” means—

(a) where the petitioner gives the security for costs required by section 136 above by a deposit of money equal to the amount of the security so required, the time when the security is so given; and

(b) in any other case, the time when—

(i) the time prescribed for the making of objections under section 136(4) above expires, or

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(ii) if such an objection is made, that objection is disallowed or removed,
 whichever happens later.”

(2) The amendment made by sub-paragraph (1) does not have effect in relation to election petitions in respect of local government elections in Scotland.

Commencement Information

I3 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

4 In section 138(1) (list of petitions) the words from “, a copy of which” onwards shall be omitted.

Commencement Information

I4 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

5 (1) Sections 148 to 153 (withdrawal or abatement of petition) shall be omitted.

(2) The repeals made by sub-paragraph (1) do not have effect in relation to election petitions in respect of local government elections in Scotland.

Commencement Information

I5 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

6 In section 157 (appeals and jurisdiction), subsection (5) (additional remuneration for designated masters) shall be omitted.

Commencement Information

I6 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

Consequences of finding by election court of corrupt or illegal practice

7 In section 159 (candidate reported guilty of corrupt or illegal practice)—

- (a) subsection (2) shall be omitted, and
- (b) for subsection (3) there shall be substituted—

“(3) A candidate at a local government election in Scotland who is reported personally guilty or guilty by his agents of any corrupt or illegal practice shall also be incapable from the date of the report of holding the office of councillor of any local authority in Scotland—

- (a) for ten years, if reported personally guilty of a corrupt practice,

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- (b) for three years, if reported guilty by his agents of a corrupt practice, or
- (c) during the period for which the candidate was elected to serve or for which if elected he might have served, if reported personally guilty or guilty by his agents of an illegal practice,

and if at the date of the report he holds any such office, then the office shall be vacated as from that date.”

Commencement Information

17 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 8 In section 160 (candidate or other person reported personally guilty of corrupt practice or illegal practice), for subsections (4) and (5) there shall be substituted—
- “(4) Subject to the provisions of subsection (4A) and section 174 below, a candidate or other person reported by an election court personally guilty of a corrupt or illegal practice—
- (a) shall during the relevant period specified in subsection (5) below be incapable of—
 - (i) being registered as an elector or voting at any parliamentary election in the United Kingdom or at any local government election in Great Britain,
 - (ii) being elected to the House of Commons, or
 - (iii) holding any elective office; and
 - (b) if already elected to a seat in the House of Commons, or holding any such office, shall vacate the seat or office as from the date of the report.
- (4A) The incapacity imposed by subsection (4)(a)(i) above applies only to a candidate or other person reported personally guilty of a corrupt practice under section 60 above or of an illegal practice under section 61 above.
- (5) For the purposes of subsection (4) above the relevant period is the period beginning with the date of the report and ending—
- (a) in the case of a person reported personally guilty of a corrupt practice, five years after that date, or
 - (b) in the case of a person reported personally guilty of an illegal practice, three years after that date.
- (5A) Subject to the provisions of section 174 but in addition to any incapacity arising by virtue of subsection (4) above, a candidate or other person reported by an election court personally guilty of a corrupt practice—
- (a) shall for the period of five years beginning with the date of the report, be incapable of holding any public or judicial office in Scotland, and
 - (b) if already holding such an office, shall vacate it as from that date.”

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- 9 In section 166 (votes to be struck off for corrupt or illegal practices), in subsection (3) (person’s vote to be void if he is subject to any incapacity to vote), for “public office” there shall be substituted “elective office or to any public office in Scotland”.

Commencement Information

I9 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

- 10 In section 185(1) (interpretation of Part III of the Act)—
- (a) after the definition of “declaration as to election expenses” there shall be inserted—
- ““elective office” means any office to which a local government election is held in England or Wales;”;
- and
- (b) in the definition of “public office” for ““public office” means any office —” substitute ““public office” in relation to Scotland means any office held in Scotland—”.

Commencement Information

I10 Sch. 17 wholly in force at 16.2.2001; Sch. 17 not in force at Royal Assent, see s. 163(2); Sch. 17 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](#))

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