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## SCHEDULES

### SCHEDULE 18

Section 138.

#### ELECTION CAMPAIGNS AND PROCEEDINGS: MISCELLANEOUS AMENDMENTS

VALID FROM 16/02/2001

##### *Preliminary*

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

##### **Commencement Information**

**I1** Sch. 18 para. 1 wholly in force at 16.2.2001; Sch. 18 para. 1 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 1 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.

VALID FROM 16/02/2001

##### *Contracts about election expenses*

2 Section 72 (contracts through election agent) shall be omitted.

##### **Commencement Information**

**I2** Sch. 18 para. 2 wholly in force at 16.2.2001; Sch. 18 para. 2 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 2 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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VALID FROM 16/02/2001

### *Payment of election expenses*

VALID FROM 01/07/2001

- 3 (1) Section 73 (payment of expenses through election agent) shall be amended as follows.
- (2) For subsection (1) there shall be substituted—
- “(1) Subject to subsection (5) below, no payment (of whatever nature) shall be made by—
- (a) a candidate at an election, or
- (b) any other person,
- in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate’s election agent.”
- (3) In subsection (2), for “and by a receipt” there shall be substituted “ or by a receipt ”.
- (4) Subsection (4) shall be omitted.
- (5) For subsection (5) there shall be substituted—
- “(5) This section does not apply to—
- (a) any expenses which are, in accordance with section 74(1) or (1B), 78(5) or 79(2) below, paid by the candidate;
- (b) any expenses which are paid in accordance with section 74(3) below by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under section 74A below; or
- (d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of section 90A(5)(b) below.”
- (6) In subsection (6)—
- (a) for “any payment, advance or deposit” there shall be substituted “ any payment (of whatever nature) ”; and
- (b) the words from “, or pays” to “as mentioned above,” shall be omitted.

#### **Commencement Information**

- I3** Sch. 18 para. 3 wholly in force at 1.7.2001; Sch. 18 para. 3 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 3 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 Pt. I (with Sch. 2 Pt. II para. 1)

VALID FROM 01/07/2001

- 4 (1) Section 74 (candidate’s personal expenses, and petty expenses) shall be amended as follows.

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(2) For the sidenote there shall be substituted “ Expenses which may be paid otherwise than by election agent. ”

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

“(1B) The candidate at an election may also pay any election expenses (other than expenses falling within subsection (1) above) which were incurred by him or on his behalf and in respect of which payment falls to be made before the date on which he appoints (or is deemed to have appointed) an election agent.”

(4) In subsection (2), for “personal expenses paid as mentioned above” there shall be substituted “ expenses paid as mentioned in subsection (1) or (1B) above ”.

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

“(5) Sections 78 and 79 below do not apply to expenses which, in accordance with any provision of this section, are paid otherwise than by the candidate’s election agent.”

#### Commencement Information

- 14** Sch. 18 para. 4 wholly in force at 1.7.2001; Sch. 18 para. 4 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 4 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 Pt. I (with Sch. 2 Pt. II para. 1)

VALID FROM 01/07/2001

5 After section 74 there shall be inserted—

#### “74A Expenses incurred otherwise than for election purposes.

- (1) Neither section 73 above nor sections 78 and 79 below shall apply to election expenses—
- which are incurred by or on behalf of a candidate otherwise than for the purposes of the candidate’s election, but
  - which by virtue of section 90A(1) below fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they were incurred being used for the purposes of the candidate’s election.
- (2) The candidate’s election agent shall make a declaration of the amount (determined in accordance with section 90B below) of any election expenses falling within subsection (1) above.
- (3) In this section “for the purposes of the candidate’s election” has the same meaning as in sections 90A to 90C below.”

#### Commencement Information

- 15** Sch. 18 para. 5 wholly in force at 1.7.2001; Sch. 18 para. 5 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 5 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 Pt. I (with Sch. 2 Pt. II para. 1)

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- 6 (1) Section 78 (time for sending in and paying claims) shall be amended as follows.
- (2) In subsections (1) and (2) for “within” wherever it occurs there shall be substituted “not later than”.

**Commencement Information**

- I6** Sch. 18 para. 6 wholly in force at 16.2.2001; Sch. 18 para. 6 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 6 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)

*Returns of election expenses*

- 7 (1) Section 81 (return as to election expenses) shall be amended as follows.
- (2) In subsection (1) for the words from “in the form” onwards there shall be substituted “containing as respects that candidate—
- (a) a statement of all election expenses incurred by or on behalf of the candidate; and
- (b) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.”
- (3) For subsection (2) there shall be substituted—
- “(2) A return under this section must—
- (a) specify the poll by virtue of which the return is required;
- (b) specify the name of the candidate to whom the return relates and of the candidate’s election agent; and
- (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of section 75(2) above.”
- (4) In subsection (3)—
- (a) for paragraph (a) there shall be substituted—
- “(a) a statement of all payments made—
- (i) by the candidate in accordance with section 74(1) or (1B) above, or
- (ii) by any other person in accordance with section 74(3) above,
- together with all bills or receipts relating to any such payments made in accordance with section 74(1B) or 74(3);”,
- and
- (b) for paragraph (d) there shall be substituted—
- “(d) any declarations of value falling to be made by the candidate’s election agent by virtue of section 74A(2) above or 90C(2) below;
- (da) a declaration of the amount of expenses which are to be regarded as election expenses incurred by or on behalf of the candidate by virtue of section 90A(5)(b) below;

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- (e) a statement of donations made to the candidate or his election agent which complies with the requirements of paragraphs 11 and 12 of Schedule 2A to this Act; and
- (f) a statement of the amount, if any, of money provided by the candidate from his own resources for the purpose of meeting election expenses incurred by him or on his behalf.”

(5) Subsection (4) shall be omitted.

(6) In subsection (7), the words from “; and” onwards shall be omitted.

(7) After subsection (10) there shall be inserted—

“(10A) The Electoral Commission may, by regulations, prescribe a form of return which may be used for the purposes of making any (or any description of) return required by this section.”

(8) Subsection (11) shall be omitted.

#### Commencement Information

- 17** Sch. 18 para. 7 wholly in force at 1.7.2001; Sch. 18 para. 7 partly in force at Royal Assent, see s. 163(3); Sch. 18 para. 7 in force in so far as not already in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 Pt. I (with Sch. 2 Pt. II para. 1)

VALID FROM 16/02/2001

- 8 Section 82(4) (person before whom declaration as to elections expenses may be made) shall be omitted.

#### Commencement Information

- 18** Sch. 18 para. 8 wholly in force at 16.2.2001; Sch. 18 para. 8 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 8 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)

VALID FROM 16/02/2001

- 9 After section 87 there shall be inserted—

#### “87A Duty of appropriate officer to forward returns and declarations to Electoral Commission.

- (1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above in respect of —
- (a) a parliamentary election, or
  - (b) an election of the Mayor of London,

he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so

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requested by the Commission, he shall also deliver to them a copy of any accompanying documents.

- (2) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 in respect of any election other than one mentioned in subsection (1) above, he shall, if so requested by the Electoral Commission, deliver to them a copy of the return and any accompanying documents.”

#### Commencement Information

- I9** Sch. 18 para. 9 wholly in force at 16.2.2001; Sch. 18 para. 9 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 9 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)

VALID FROM 01/07/2001

10 For section 89(1) (inspection of returns and declarations) there shall be substituted—

“(1) Where the appropriate officer receives any return or declaration under section 75, 81 or 82 above he shall—

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at his office, or some other convenient place chosen by him, for a period of two years beginning with the date when the return is received by him;
- (b) if requested to do so by any person, and on payment of the prescribed fee, supply that person with a copy of the return or declaration and any accompanying documents.

(1A) If any such return contains a statement of donations in accordance with section 81(3)(e) above, the appropriate officer shall secure that the copy of the statement made available for public inspection under subsection (1) (a) above or (as the case may be) supplied under subsection (1)(b) above does not include, in the case of any donation by an individual, the donor’s address.”

#### Commencement Information

- I10** Sch. 18 para. 10 wholly in force at 1.7.2001; Sch. 18 para. 10 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 10 in force at 1.7.2001 by S.I. 2001/222, art. 4, Sch. 2 Pt. I (with Sch. 2 Pt. II para. 1)

VALID FROM 16/02/2001

11 In section 90 (election expenses at elections where election agent not required)—

- (a) in subsection (1)(a), for “section 76(1) above has” there shall be substituted “ section 76(1B) above and sections 90A(5) and 90C below have ”;

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- (b) in subsection (1)(b), for “sections 72 to 75 and 78 to 89 above” there shall be substituted “ sections 71A to 75 and 78 to 89 above, and Schedule 2A to this Act, ”;
- (c) for subsection (1)(c) there shall be substituted—
- “(c) section 76A(2) has effect as if it referred, in substitution for the provisions set out in paragraphs (a) to (c) of that subsection, to paragraph 3 of Schedule 4 to this Act.”;
- and
- (d) in subsection (2) for “sections 72 to 89” there shall be substituted “ sections 71A to 89 ”.

#### Commencement Information

- I11** Sch. 18 para. 11 wholly in force at 1.7.2001; Sch. 18 para. 11 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 11(c) in force at 16.2.2001 and Sch. 18 para. 11(a)(b)(d) in force at 1.7.2001 by S.I. 2001/222, arts. 2, 4, Sch. 1 Pt. I, Sch. 2 Pt. I (subject to transitional provisions in Sch. 1 Pt. II and with Sch. 2 Pt. I)

VALID FROM 16/02/2001

#### *Conveyance of voters to and from the poll*

- 12 Sections 101 to 105 (conveyance of voters to and from the polls) shall be omitted.

#### Commencement Information

- I12** Sch. 18 para. 12 wholly in force at 16.2.2001; Sch. 18 para. 12 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 12 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)

#### *Illegal practices, payments, employments and hirings*

- 13 Section 108 (premises not to be used as committee rooms) shall be omitted.

#### Commencement Information

- I13** Sch. 18 para. 13 wholly in force at 16.2.2001; Sch. 8 para. 13 partly in force at Royal Assent, see s. 163(3); Sch. 8 para. 13 in force in so far as not already 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)

- 14 For section 110 there shall be substituted—

#### “110 Details to appear on election publications.

- (1) This section applies to any material which can reasonably be regarded as intended to promote or procure the election of a candidate at an election

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(whether or not it can be so regarded as intended to achieve any other purpose as well).

- (2) No material to which this section applies shall be published unless—
- (a) in the case of material which is, or is contained in, such a document as is mentioned in subsection (4), (5) or (6) below, the requirements of that subsection are complied with; or
  - (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under subsection (7) below are complied with.
- (3) For the purposes of subsections (4) to (6) below the following details are “the relevant details” in the case of any material falling within subsection (2)
- (a) above, namely—
    - (a) the name and address of the printer of the document;
    - (b) the name and address of the promoter of the material; and
    - (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
  - (4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.
  - (5) Where the material is a printed document other than one to which subsection (4) above applies, the relevant details must appear either on the first or the last page of the document.
  - (6) Where the material is an advertisement contained in a newspaper or periodical—
    - (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
    - (b) the relevant details specified in subsection (3)(b) and (c) above must be included in the advertisement.
  - (7) The Secretary of State may, after consulting the Electoral Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within subsection (2)(b) above of the following details, namely—
    - (a) the name and address of the promoter of the material; and
    - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
  - (8) Regulations under subsection (7) above may in particular specify—
    - (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
    - (b) circumstances in which—
      - (i) any such requirement does not have to be complied with by a person of any description specified in the regulations, or
      - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this section by that person or by a person of any other such description;



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- (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or (as the case may be) published by a person of any description so specified.
- (9) Where any material falling within subsection (2)(a) above is published in contravention of subsection (2), then (subject to subsections (11) and (12) below)—
- (a) the promoter of the material,
  - (b) any other person by whom the material is so published, and
  - (c) the printer of the document,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where any material falling within subsection (2)(b) above is published in contravention of subsection (2), then (subject to regulations made by virtue of subsection (8)(b) above and to subsections (11) and (12) below)—
- (a) the promoter of the material, and
  - (b) any other person by whom the material is so published,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) It shall be a defence for a person charged with an offence under this section to prove—
- (a) that the contravention of subsection (2) above arose from circumstances beyond his control; and
  - (b) that he took all reasonable steps, and exercised all due diligence, to ensure that that contravention would not arise.
- (12) Where a candidate or his election agent would (apart from this subsection) be guilty of an offence under subsection (9) or (10) above, he shall instead be guilty of an illegal practice.
- (13) In this section—
- “print” means print by whatever means, and “printer” shall be construed accordingly;
  - “the promoter”, in relation to any material to which this section applies, means the person causing the material to be published;
  - “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means.
- (14) For the purpose of determining whether any material is material such as is mentioned in subsection (1) above, it is immaterial that it does not expressly mention the name of any candidate.”

#### Commencement Information

- I14** Sch. 18 para. 14 partly in force; Sch. 18 para. 14 in force for specified purposes at Royal Assent, see s. 163(3); Sch. 18 para. 14 in force for E.W.S. at 1.1.2007 by S.I. 2006/3416, art. 3 (subject to art. 5)
- I15** Sch. 18 para. 14 (which was commenced on 16.2.2001 by S.I. 2001/222, art. 2, Sch. 1 Pt. I (subject to Sch. 1 Pt. II)) was deemed not to have come into force (10.4.2001) by 2001 c. 5, s. 1(1)(b) (with s. 3(3)(4)(6))

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VALID FROM 16/02/2001

*Election expenses*

VALID FROM 01/07/2001

- 15            In section 118 (interpretation of Part II)—
- (a)    for the definition of “election expenses” there shall be substituted—
- ““election expenses”, in relation to an election, shall be construed in accordance with sections 90A to 90D above;”,
- and
- (b)    in the definition of “money”, for “sections 113 and 114 above” there shall be substituted “ sections 71A, 113 and 114 above and Schedule 2A to this Act ”.

**Commencement Information**

- I16**    [Sch. 18 para. 15](#) wholly in force at 1.7.2001; [Sch. 18 para. 15](#) not in force at Royal Assent, see [s. 163\(2\)](#); [Sch. 18 para. 15](#) in force at 1.7.2001 by [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

VALID FROM 01/07/2001

- 16            In Schedule 3—
- (a)    the form of return, and
- (b)    in the form of declarations—
- (i)    in paragraph 3, the words “in relation to my [the candidate’s] personal expenses”, and
- (ii)   paragraph 4,
- shall be omitted.

**Commencement Information**

- I17**    [Sch. 18 para. 16](#) wholly in force at 1.7.2001; [Sch. 18 para. 16](#) not in force at Royal Assent, see [s. 163\(2\)](#); [Sch. 18 para. 16](#) in force at 1.7.2001 by [S.I. 2001/222](#), [art. 4](#), [Sch. 2 Pt. I](#) (with [Sch. 2 Pt. II para. 1](#))

- 17            In Schedule 4 (election expenses in connection with certain local elections), in paragraph 3, for “and receipts” there shall be substituted “ or by receipts ”.

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### Commencement Information

**I18** Sch. 18 para. 17 wholly in force at 16.2.2001; Sch. 18 para. 17 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 17 in force at 16.2.2001 by S.I. 2001/222, art. 2, Sch. Pt. I (subject to transitional provisions in Sch. 1 Pt. II)

VALID FROM 16/02/2001

### *Jurisdiction and procedure*

18 (1) The following provisions shall be omitted—

- (a) section 78(6);
- (b) section 79(3);
- (c) section 86(9);
- (d) section 106(8);
- (e) section 122(8);
- (f) section 167(4); and
- (g) section 174(6).

(2) For section 78(7) there shall be substituted—

“(7) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (4) above as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

(3) For section 86(10) and (11) there shall be substituted—

“(10) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of this section as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

(4) For section 106(9) there shall be substituted—

“(9) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of subsection (3) above as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

(5) For section 167(5) there shall be substituted—

“(5) Article 60 of the County Courts (Northern Ireland) Order 1980 (appeals from county courts) shall apply in relation to any order of a county court in Northern Ireland made by virtue of this section as it applies in relation to any such decree of a county court as is mentioned in paragraph (1) of that Article.”

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### Commencement Information

- I19** Sch. 18 para. 18 wholly in force at 16.2.2001; Sch. 18 para. 18 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 18 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)

VALID FROM 16/02/2001

### *References to documents used in legal proceedings*

- 19 (1) In section 69 (office of election agent and sub-agent)—
- (a) in subsection (1), for “writs, summonses and” substitute “legal process and other ”; and
  - (b) in subsection (3), for “writ, summons or” substitute “legal process or other ”.
- (2) In section 85(4) (penalty for sitting or voting where no return and declarations transmitted), for—
- (a) “the writ or other process” (in both places), and
  - (b) “a writ or other process”,
- substitute “legal process ”.
- (3) In section 121(5) (presentation and service of parliamentary election petition), for the words from “as nearly” to “such other” substitute “in such ”.
- (4) In section 136(2) (security for costs), in paragraphs (a) and (b), for “on summons, directs” substitute “directs on an application made by the petitioner ”.
- (5) In section 184(1) (service of notices), for “summons, notice or” substitute “notice, legal process or other ”.
- (6) In section 202(1) (general provisions as to interpretation), after the definition of “legal incapacity” insert—
- ““legal process” means a claim form, application notice, writ, summons or other process;”.
- (7) In Schedule 4 (election expenses at certain local elections in England and Wales), in paragraph 4(3) (penalty for sitting or voting where no return and declarations transmitted), for “a writ or other process” substitute “legal process ”.

### Commencement Information

- I20** Sch. 18 para. 19 wholly in force at 16.2.2001; Sch. 18 para. 19 not in force at Royal Assent, see s. 163(2); Sch. 18 para. 19 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)

**Status:**

Point in time view as at 30/11/2000. This version of this schedule contains provisions that are not valid for this point in time.

**Changes to legislation:**

Political Parties, Elections and Referendums Act 2000, SCHEDULE 18 is up to date with all changes known to be in force on or before 24 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.