



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART I

THE ELECTORAL COMMISSION

Establishment of Electoral Commission and bodies with related functions

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.

[^{F1}(2) A motion for such an Address may be made only if—

- (a) the Speaker of the House of Commons agrees that the motion may be made;
- (b) the motion has been the subject of consultation with the registered leader of each registered party to which two or more Members of the House of Commons then belong; and
- (c) each person whose appointment is proposed in the motion has been selected in accordance with a procedure put in place and overseen by the Speaker's Committee.]

(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) [^{F2}Subject to subsection (4A), 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;

Status: Point in time view as at 21/07/2009.

Changes to legislation: Political Parties, Elections and Referendums Act 2000, Section 3 is up to date with all changes known to be in force on or before 29 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)

- (c) holds a relevant elective office (within the meaning of Schedule 7); or
- (d) has at any time [^{F3}within the last five 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. [^{F4}, or
 - (iv) been named as a participant in the register of recordable transactions reported under Part 4A.]

[^{F5}(4A) Paragraphs (a) and (d) of subsection (4) do not apply to the appointment of a person as a nominated Commissioner (within the meaning of section 3A).]

- (5) An Electoral Commissioner, or the chairman of the Commission, may be re-appointed (or further re-appointed).

[^{F6}(5A) In the case of a re-appointment (or further re-appointment) of an Electoral Commissioner, the reference in subsection (2)(c) to being selected in accordance with a procedure put in place and overseen by the Speaker's Committee is to be read as including a reference to being recommended for re-appointment (or further re-appointment) by that Committee.]

- (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

- F1** S. 3(2) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 4\(2\), 43\(1\)\(5\)\(b\)](#)
- F2** Words in s. 3(4) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 39, 43\(1\)\(5\)\(b\), Sch. 6 para. 10](#)
- F3** Words in s. 3(4)(d) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 7\(1\), 43\(1\)\(5\)\(b\)](#)
- F4** 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)
- F5** S. 3(4A) inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 5\(1\), 43\(1\)\(5\)\(b\)](#)
- F6** S. 3(5A) inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\), ss. 4\(3\), 43\(1\)\(5\)\(b\)](#)

Marginal Citations

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

Status:

Point in time view as at 21/07/2009.

Changes to legislation:

Political Parties, Elections and Referendums Act 2000, Section 3 is up to date with all changes known to be in force on or before 29 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.