



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 6

#### CONDUCT OF ELECTIONS ETC.

##### *Access to election documents*

#### **44 Access to other election documents: supplementary**

- (1) This section applies for the purposes of section 42.
- (2) The relevant officer is—
  - (a) in England and Wales, the relevant registration officer;
  - (b) in Scotland, the relevant sheriff clerk;
  - (c) in Northern Ireland, the Chief Electoral Officer for Northern Ireland.
- (3) The relevant registration officer is—
  - (a) the registration officer of the local authority in whose area the election is held, or
  - (b) if the election is held in respect of an electoral area which comprises any part of the area of more than one local authority, such registration officer as the Secretary of State by order appoints.
- (4) The relevant sheriff clerk is—
  - (a) the sheriff clerk of the sheriff court district in which the election is held, or
  - (b) if the election is held in respect of an electoral area which comprises any part of the area of more than one sheriff court district, the sheriff clerk of such of those districts as the Secretary of State by order appoints.
- (5) The relevant election documents are such documents relating to an election (other than a parliamentary election, a local government election in Scotland or a local election in Northern Ireland) as the relevant officer is required by or under any enactment to retain for any period except—
  - (a) ballot papers;

*Status: Point in time view as at 31/12/2020.*

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- (b) completed corresponding number lists;
  - (c) certificates as to employment on the day of the election.
- (6) A party is a registered party if it is registered for the purposes of Part 2 of the 2000 Act (registration of political parties).
- (7) An electoral area is—
- (a) in relation to a local government election, an electoral area within the meaning of section 203(1) of the 1983 Act;
  - (b) in relation to an election to the National Assembly for Wales, an Assembly constituency or an Assembly electoral region within the meaning of [F1section 2 of the Government of Wales Act 2006 (Assembly constituencies and electoral regions)] ;
  - (c) in relation to an election to the Scottish Parliament, a constituency or a region within the meaning of Schedule 1 to the Scotland Act 1998 (c. 46) (constituencies, regions and regional members);
  - (d) in relation to an election to the Northern Ireland Assembly, a constituency for the purposes of section 33 of the Northern Ireland Act 1998 (c. 47) (constituencies and numbers of members);
  - F2(e) .....
- (8) The marked register is the copy of the register of electors marked in accordance with provision corresponding to rule 37(1)(c) of the parliamentary elections rules.
- (9) A marked copy of the list of proxies is the copy of that list marked in accordance with provision corresponding to rule 37(1)(e) of the parliamentary elections rules.
- (10) A marked copy of the postal voters list or the proxy postal voters list is the copy of that list marked in accordance with provision corresponding to rule 31A(1) of the parliamentary elections rules.
- (11) A completed corresponding number list is a list prepared under provision corresponding to rule 19A of the parliamentary elections rules which is completed in accordance with provision corresponding to rule 37(1)(b) and (d) of those rules.
- (12) Expressions used in this section or section 42 or 43 and in the 1983 Act must (unless the context otherwise requires) be construed in accordance with that Act.

#### Textual Amendments

- F1** Words in s. 44(7)(b) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 122**
- F2** S. 44(7)(e) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Modifications etc. (not altering text)

- C1** S. 44 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 5}
- C2** S. 44 applied (with modifications) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **regs. 1(2)(3), 8**, {Sch. 4 para. 1 Table 4}
- C3** S. 44 applied (with modifications) (E.W.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1** Table 5

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- C4** S. 44 applied (with modifications) (E.W.S.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** Table 5 (with reg. 27)
- C5** S. 44 applied (with modifications) (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pts. 1** Table 5
- C6** S. 44 applied (with modifications) by SI 2012/2031 reg. 17 Sch. 8 Table 4 (as inserted (E.W.) (6.4.2013) by [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013 \(S.I. 2013/798\)](#), regs. 1, 7, **Sch. 3**)

#### **Commencement Information**

- I1** S. 44 partly in force; s. 44 not in force at Royal Assent see s. 77; s. 44 in force for certain purposes for E.W. at 1.1.2007 by [S.I. 2006/3412](#), **art. 3**, **Sch. 1 para. 15(a)** (subject to **Sch. 2**); s. 44 in force for certain purposes for E.W. at 1.1.2008 by [S.I. 2007/3376](#), **art. 3**; s. 44 in force for N.I. for certain purposes at 1.7.2008 by [S.I. 2008/1316](#), **arts. 2(2)**, 4(q)

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