



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 3

ELECTIONS

23 Election falling within canvass period

(1) After section 13BA of the 1983 Act there is inserted—

“13BB Election falling within canvass period

- (1) This section applies where—
- (a) in connection with a canvass under section 10 above, the form returned in respect of an address (“the relevant address”) is completed in such a way that, by virtue of section 10A(2) above, an application for registration is treated as having been made in respect of that address; and
 - (b) notice is published of an election to which section 13B above applies that is to be held—
 - (i) in an area which includes the relevant address,
 - (ii) during the period starting with 1st July in the year of the canvass and ending with 1st December in that year.
- (2) The application shall be treated as made—
- (a) when the notice of election is published (if the canvass form has already been returned),
 - (b) when the form is returned (if the notice has already been published), or
 - (c) at such other time as may be prescribed.
- (3) Subsection (2) above does not apply if—
- (a) the canvass form is returned after the appropriate publication date; or

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- (b) the form is returned too late for the application to be determined in accordance with regulations on or before that date (even without there being any delay in dealing with the application or any objections to the registration).
- (4) Where, in consequence of the determination of the application, an entry relating to a person falls to be made in (or removed from) a register covering the relevant address, the registration officer by whom that register is maintained shall issue, in the prescribed manner, a notice specifying the appropriate alteration.
- (5) Where—
- (a) in consequence of the determination of the application, a person’s entry in respect of an address other than the relevant address falls to be removed from a register maintained by a registration officer other than the one referred to in subsection (4) above,
 - (b) at the time of the determination, notice has been published of an election to which section 13B above applies that is to be held—
 - (i) in an area which includes that other address,
 - (ii) during the period starting with 1st July in the year of the canvass and ending with 1st December in that year,
 and
 - (c) the determination is made before the appropriate publication date for that election,
- the other registration officer shall, on being informed of the determination, issue in the prescribed manner a notice specifying the appropriate alteration.
- (6) A notice under subsection (4) or (5) above shall be issued on the appropriate publication date for the election in question, and the alteration shall take effect as from the beginning of that day.
- (7) A requirement imposed by subsection (4) or (5) above does not apply if, before the appropriate publication date for the election in question, the registration officer concerned publishes a revised version of the register incorporating the appropriate alteration.
- (8) In this section—
- “the appropriate publication date” has the same meaning as in section 13B above;
 - “canvass form” means the form mentioned in subsection (1)(a) above.
- (9) For the purposes of this section, a canvass form is “returned” when it is received by the registration officer.”
- (2) In section 13 of that Act (publication of registers), after subsection (1) there is inserted—
- “(1A) Subsection (1)(a) above has effect, in the case of a registration officer acting for an area in which (or in part of which) an election to which section 13B below applies is held during the period—
- (a) starting with 1st July in the year in question, and
 - (b) ending with 1st December in that year,

as if for “1st December in that year” there were substituted “1st February in the following year”.”

24 Candidate at parliamentary election may withhold home address from publication

(1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows.

(2) In rule 6 (nomination of candidates)—

- (a) sub-paragraph (b) of paragraph (2) is omitted;
- (b) after paragraph (3) there is inserted—

“(4) The nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states the candidate's—

- (a) full names, and
- (b) home address in full.

Provision in paragraph (1) above about delivery of the nomination paper applies also to the home address form.

(5) The home address form—

- (a) may contain a statement made and signed by the candidate that he requires the home address not to be made public; and
- (b) if it does so, must state the constituency within which that address is situated (or, if that address is outside the United Kingdom, the country within which it is situated).”

(3) In rule 11 (right to attend nomination)—

- (a) in paragraph (3), after “nomination paper” there is inserted “and associated home address form”;
- (b) after paragraph (4) there is inserted—

“(5) The returning officer shall not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.”

(4) In rule 12 (validity of nomination papers), in paragraph (1)—

- (a) after “consent to it” there is inserted “and the home address form”;
- (b) after sub-paragraph (a) there is inserted—

“(aa) the returning officer decides that the home address form does not comply with rule 6(4); or”.

(5) In rule 14 (publication of statement of persons nominated), after paragraph (3) there is inserted—

“(3A) In relation to a nominated person in whose case the home address form (or, if the person is nominated by more than one nomination paper, any of the home address forms) contains—

- (a) the statement mentioned in rule 6(5)(a), and
- (b) the information mentioned in rule 6(5)(b),

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the reference in paragraph (2) to the person’s address shall be read as a reference to the information mentioned in rule 6(5)(b).”

(6) After paragraph (4) of that rule there is inserted—

“(4A) Where—

- (a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,
- (b) paragraph (3A) applies in relation to each of the persons in question, and
- (c) the information mentioned in rule 6(5)(b) is the same for each of them,

the returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

(4B) Where it is practicable to do so before the publication of the statement, the returning officer shall consult any person whose particulars are to be amended or added to under paragraph (4A).

(4C) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (4A).

(4D) Anything done by a returning officer in pursuance of paragraph (4A) must not be questioned in any proceedings other than proceedings on an election petition.

(4E) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (4A).”

(7) Before rule 54 there is inserted—

“Destruction of home address forms

53A The returning officer shall destroy each candidate’s home address form—

- (a) on the next working day following the 21st day after the officer has returned the name of the member elected; or
- (b) if an election petition questioning the election or return is presented before that day, on the next working day following the conclusion of proceedings on the petition or on appeal from such proceedings.”

25 Disposal of election documents in Scotland

In the 1983 Act—

- (a) in section 63 (breach of official duty), in subsection (3)(b), the words “sheriff clerk,” are omitted;
- (b) in Schedule 1 (parliamentary elections rules), for rule 58 there is substituted—

“58 (1) This rule modifies rules 55 to 57 in relation to elections in Scotland.

(2) In relation to such elections—

- (a) the documents mentioned in rule 55(1)—

- (i) are not to be forwarded by the returning officer as required by that rule,
 - (ii) instead, are to remain in the returning officer's custody (and be endorsed by the officer as required by that rule);
- (b) the references in rules 56 and 57 to the relevant registration officer are to be read as references to the returning officer (and rule 55(1A) is to be disregarded);
 - (c) the reference in rule 57(1) to the documents to be retained is to be read as a reference to the documents remaining in the returning officer's custody under sub-paragraph (a) (ii)."

26 Filling vacant European Parliament seats in Northern Ireland

- (1) In section 5 of the European Parliamentary Elections Act 2002 (c. 24) (filling vacant seats), after subsection (3) there is inserted—

“(4) As regards a seat in Northern Ireland, the regulations may, in specified circumstances, require it to be filled as follows—

- (a) where the previous MEP stood in the name of a registered party when elected (or most recently elected), by a person nominated by the nominating officer of that party;
- (b) where the previous MEP stood in the names of two or more registered parties when elected (or most recently elected), by a person jointly nominated by the nominating officers of those parties;
- (c) where paragraph (a) or (b) does not apply but the previous MEP gave a notice in accordance with regulations under this Act naming one or more persons as substitutes, by a person so named.

- (5) In subsection (4)—

“nominating officer”, in relation to a registered party, means the person registered as its nominating officer under the Political Parties, Elections and Referendums Act 2000 in the Northern Ireland register (within the meaning of that Act);

“registered party” means a party registered under that Act in that register;

“the previous MEP”, in relation to a vacancy, means the person who was the MEP immediately before the vacancy arose.”

- (2) Regulations containing provision made by virtue of this section may specify that the provision has effect in relation to any seat that is vacant at the time the provision comes into force and in respect of which notice of a by-election has not been published at that time.

27 Returning officers for elections to the European Parliament

- (1) Section 6 of the European Parliamentary Elections Act 2002 (returning officers) is amended as follows.

- (2) In subsection (2) (returning officer for electoral region in England etc), in paragraph (a), after “the Representation of the People Act 1983 (c. 2)” there is

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inserted “or is the proper officer of the Greater London Authority for the purposes of section 35(2C) of that Act”.

(3) In subsection (5A) (meaning of “local returning officer”), for paragraph (a) there is substituted—

“(a) a person who, by virtue of section 35 of the Representation of the People Act 1983, is a returning officer for—

- (i) elections of councillors of a district or London borough,
- (ii) elections of councillors of a county in which there are no district councils,
- (iii) elections to the Council of the Isles of Scilly, or
- (iv) elections of councillors of a county or county borough in Wales,

or who by virtue of section 41 of that Act is a returning officer for elections of councillors for a local authority in Scotland; or”.

(4) After subsection (8) there is inserted—

“(9) Where functions are conferred on the proper officer of the Greater London Authority under subsection (5) in relation to the London electoral region, the Authority must place the services of its employees at his disposal for the purpose of assisting him in the discharge of those functions.”