
STATUTORY INSTRUMENTS

2018 No. 1308

The Local Elections (Principal Areas) (England and Wales) (Amendment) (England) Rules 2018

Citation, commencement, application and interpretation

1.—(1) These Rules may be cited as the Local Elections (Principal Areas) (England and Wales) (Amendment) (England) Rules 2018.

(2) These Rules come into force on 31st December 2018, but have no effect in relation to any election in respect of which the date of the poll specified in the notice of election is before 2nd May 2019.

(3) These Rules only apply in relation to an election that will take place in England.

(4) In these Rules “2006 Rules” means the Local Elections (Principal Areas) (England and Wales) Rules 2006(1).

Amendment of the 2006 Rules

2.—(1) Schedule 2 to the 2006 Rules (rules for conduct of an election of councillors of a principal area where poll is not taken together with poll at another election) is amended as follows.

(2) In rule 4 (nomination of candidates)—

(a) in sub-paragraph (2)(a), after “names” insert “and”;

(b) sub-paragraph (2)(b) is omitted;

(c) after paragraph (4) insert—

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

(a) the candidate’s—

(i) full names,

(ii) home address in full, and

(iii) qualifying address or, if the candidate declares they are qualified by more than one of the qualifications mentioned in paragraph (7), qualifying addresses;

(b) which of the qualifications mentioned in paragraph (7) the qualifying address or qualifying addresses stated relate to;

(c) the attesting person’s—

(i) full names, and

(ii) home address in full.

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

- (6) 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—
 - (i) where the candidate’s home address is in the United Kingdom, state the name of the relevant area;
 - (ii) where the candidate’s home address is outside the United Kingdom, state the country in which it is situated.

(7) In this rule—

“attesting person”, in relation to a candidate, means the person who attests the candidate’s consent to nomination in accordance with rule 7(c);

“qualifying address” means—

- (a) where the candidate has selected option (a) on the Consent to Nomination form, the address in full in respect of which the candidate is so registered as a local government elector;
- (b) where the candidate has selected option (b) on the Consent to Nomination form, a description and the address of that land or premises which the candidate has occupied as owner or tenant;
- (c) where the candidate has selected option (c) on the Consent to Nomination form, the address of that place of work; and
- (d) where the candidate has selected option (d) on the Consent to Nomination form, the address or addresses in full where the candidate has so resided;

“relevant area” means—

- (a) in relation to a home address in England—
 - (i) if the address is within a district for which there is a district council, that district;
 - (ii) if the address is within a county in which there are no districts with councils, that county;
 - (iii) if the address is within a London borough, that London borough;
 - (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
 - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
- (b) in relation to a home address in Wales—
 - (i) if the address is within a county, that county;
 - (ii) if the address is within a county borough, that county borough;
- (c) in relation to a home address in Scotland, the local government area in which the address is situated;
- (d) in relation to a home address in Northern Ireland, the local government district in which it is situated.”

(3) In rule 7 (consent to nomination), in paragraph (b)(i), omit “, section 78A of the Local Government Act 2000”.

(4) In rule 8 (decisions as to validity of nomination papers)—

- (a) in paragraph (1), after “consent to it” insert “and the home address form”;

- (b) after sub-paragraph (2)(a) insert—
 - “(aa) the returning officer decides that the candidate’s home address form—
 - (i) does not comply with the requirements of rule 4(5); or
 - (ii) if the form contains a statement under rule 4(6)(a), does not comply with the signature requirement in that rule or the requirements of rule 4(6)(b);”;
 - (c) substitute paragraph (3) with—

“(3) Subject to paragraph (4), the returning officer must, as soon as practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.”
 - (d) in paragraph (6) replace “nomination paper” in the second place it occurs with “home address form”.
- (5) In rule 9 (publication of statement of persons nominated)—
- (a) in paragraph (2) omit “, addresses”;
 - (b) after paragraph (2), insert—

“(2A) The statement must also show the following information contained in the home address form—

 - (a) where the statement mentioned in rule 4(6)(a) is made requiring his home address not to be made public, the information mentioned in rule 4(6)(b),
 - (b) in any other case, the address of the persons nominated.”
 - (c) after paragraph (6) insert—

“(6A) 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) each of the persons in question has made the statement mentioned in rule 4(6)(a), and
 - (c) the information mentioned in rule 4(6)(b) is the same for each of them,
 - (i) 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.

(6B) Where it is practicable to do so before the publication of the statement, the returning officer must consult any person whose particulars are to be amended or added to under paragraph (6A).

(6C) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (6A).

(6D) Anything done by a returning officer in pursuance of paragraph (6A) must not be questioned in any proceedings other than proceedings on an election petition.

(6E) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (6A).”
- (6) In rule 10 (correction of minor errors)—
 - (a) in paragraph (1), after “nomination paper” insert “or home address form”;
 - (b) after sub-paragraph (2)(b) insert—
 - “(c) errors as to the information mentioned in rule 4(6)(b).”
- (7) After rule 11 insert—

“Inspection of home address forms

11A.—(1) During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—

- (a) a person standing nominated as a candidate (“candidate B”) in the same electoral area as candidate A,
- (b) the election agent, proposer or seconder of candidate B, or
- (c) where candidate B is acting as their own election agent, any person nominated by candidate B.

(2) Where a person has been nominated by more than one nomination paper, the reference to proposer or seconder in sub-paragraph (1)(b) is a reference to—

- (a) the proposer or seconder on the nomination paper that the candidate may select, or
- (b) in the absence of such a selection, to the nomination paper which was first delivered in accordance with rule 4(1).

(3) Nothing in this rule permits any person to take a copy of, or extracts from, any home address form.

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

(8) Before rule 51 insert—

“Destruction of home address forms

50A.—(1) The returning officer must destroy each candidate’s home address form—

- (a) on the next day following the 35th 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, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings.

(2) For the purposes of paragraph (1), any day falling within rule 2(1) must be disregarded.”

(9) In Part 7 (appendix of forms) for the following forms substitute the corresponding forms in Schedule 1 to these Rules—

- (a) Form of Nomination Paper;
- (b) Form of Candidate’s Consent to Nomination;
- (c) Form of front of ballot paper; and
- (d) Form of back of ballot paper.

3.—(1) Schedule 3 to the 2006 Rules (rules for conduct of an election of councillors of a principal area where the poll is taken together with the poll at a relevant election or referendum) is amended as follows.

(2) In rule 4 (nomination of candidates)—

- (a) in sub-paragraph (2)(a), after “names” insert “and”;
- (b) sub-paragraph (2)(b) is omitted;
- (c) after paragraph (4) insert—

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

- (a) the candidate's—
 - (i) full names,
 - (ii) home address in full, and
 - (iii) qualifying address or, if the candidate declares they are qualified by more than one of the qualifications mentioned in paragraph (7), qualifying addresses;
- (b) which of the qualifications mentioned in paragraph (7) the qualifying address or qualifying addresses stated relate to;
- (c) the attesting person's—
 - (i) full names, and
 - (ii) home address in full.

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

- (6) 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—
 - (i) where the candidate's home address is in the United Kingdom, state the name of the relevant area;
 - (ii) where the candidate's home address is outside the United Kingdom, state the country in which it is situated.

(7) In this rule—

“attesting person”, in relation to a candidate, means the person who attests the candidate's consent to nomination in accordance with rule 7(c);

“qualifying address” means—

- (a) where the candidate has selected option (a) on the Consent to Nomination form, the address in full in respect of which the candidate is so registered as a local government elector;
- (b) where the candidate has selected option (b) on the Consent to Nomination form, a description and the address of that land or premises which the candidate has occupied as owner or tenant;
- (c) where the candidate has selected option (c) on the Consent to Nomination form, the address of that place of work; and
- (d) where the candidate has selected option (d) on the Consent to Nomination form, the address or addresses in full where the candidate has so resided;

“relevant area” means—

- (a) in relation to a home address in England—
 - (i) if the address is within a district for which there is a district council, that district;
 - (ii) if the address is within a county in which there are no districts with councils, that county;
 - (iii) if the address is within a London borough, that London borough;

- (iv) if the address is within the City of London (including the Inner and Middle Temples), the City of London; and
 - (v) if the address is within the Isles of Scilly, the Isles of Scilly;
 - (b) in relation to a home address in Wales—
 - (i) if the address is within a county, that county;
 - (ii) if the address is within a county borough, that county borough;
 - (c) in relation to a home address in Scotland, the local government area in which the address is situated;
 - (d) in relation to a home address in Northern Ireland, the local government district in which it is situated.”
- (3) In rule 7 (consent to nomination), in paragraph (b)(i), omit “, section 78A of the Local Government Act 2000”.
- (4) In rule 8 (decisions as to validity of nomination papers)—
- (a) in paragraph (1), after “consent to it” insert “and the home address form”;
 - (b) after sub-paragraph (2)(a) insert—
 - “(aa) the returning officer decides that the candidate’s home address form—
 - (i) does not comply with the requirements of rule 4(5); or
 - (ii) if the form contains a statement under rule 4(6)(a), does not comply with the signature requirement in that rule or the requirements of rule 4(6)(b); ”;
 - (c) substitute paragraph (3) with—
 - “(3) Subject to paragraph (4), the returning officer must, as soon as practicable after each nomination paper and home address form have been delivered, examine them and decide whether the candidate has been validly nominated.”
 - (d) in paragraph (6) replace “nomination paper” in the second place it occurs with “home address form”.
- (5) In rule 9 (publication of statement of persons nominated)—
- (a) in paragraph (2) omit “, addresses”;
 - (b) after paragraph (2), insert—
 - “(2A) The statement must also show the following information contained in the home address form—
 - (a) where the statement mentioned in rule 4(6)(a) is made requiring his home address not to be made public, the information mentioned in rule 4(6)(b),
 - (b) in any other case, the address of the persons nominated.”
 - (c) after paragraph (6) insert—
 - “(6A) 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) each of the persons in question has made the statement mentioned in rule 4(6)(a), and
 - (c) the information mentioned in rule 4(6)(b) is the same for each of them,
 - (d) 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.

(6B) Where it is practicable to do so before the publication of the statement, the returning officer must consult any person whose particulars are to be amended or added to under paragraph (6A).

(6C) The returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (6A).

(6D) Anything done by a returning officer in pursuance of paragraph (6A) must not be questioned in any proceedings other than proceedings on an election petition.

(6E) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of paragraph (6A).”

(6) In rule 10 (correction of minor errors)—

(a) in paragraph (1), after “nomination paper” insert “or home address form”;

(b) after sub-paragraph (2)(b) insert—

“(c) errors as to the information mentioned in rule 4(6)(b).”

(7) After rule 11 insert—

“Inspection of home address forms

11A.—(1) During ordinary office hours on any day, other than a day specified in rule 2(1), after the latest time for delivery of nomination papers and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—

(a) a person standing nominated as a candidate (“candidate B”) in the same electoral area as candidate A,

(b) the election agent, proposer or seconder of candidate B, or

(c) where candidate B is acting as their own election agent, any person nominated by candidate B.

(2) Where a person has been nominated by more than one nomination paper, the reference to proposer or seconder in sub-paragraph (1)(b) is a reference to—

(a) the proposer or seconder on the nomination paper that the candidate may select, or

(b) in the absence of such a selection, to the nomination paper which was first delivered in accordance with rule 4(1).

(3) Nothing in this rule permits any person to take a copy of, or extracts from, any home address form.

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

(8) Before rule 51 insert—

“Destruction of home address forms

50A.—(1) The returning officer must destroy each candidate’s home address form—

(a) on the next day following the 35th 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, as soon as practicable following the conclusion of proceedings on the petition or on appeal from such proceedings.

(2) For the purposes of paragraph (1), any day falling within rule 2(1) must be disregarded.”

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) In Part 7 (appendix of forms), for the following forms substitute the corresponding forms in Schedule 2 to these Rules—

- (a) Form of Nomination Paper;
- (b) Form of Candidate's Consent to Nomination;
- (c) Form of front of ballot paper; and
- (d) Form of back of ballot paper.

3rd December 2018

Chloe Smith
Minister for the Constitution
Cabinet Office