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TO

Make provision for the appointment of observers at statutory elections and referendums in the United Kingdom; to make provision in respect of the observers; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Interpretation

- (1) In this Act—
an “election observer” means a person authorised to observe electoral processes subject to regulations made under section 4.
- (2) The Secretary of State may by regulations substitute a new definition of “election observer” for the definition in subsection (1). 5

2 Election observers

- (1) The Representation of the People Act 1983 (c. 2) is amended as set out in subsections (2) to (4).
- (2) After section 30, there is inserted— 10
“30A Appointment of election observers
(1) Returning officers may appoint persons as election observers.
(2) Representatives of the Electoral Commission may be present at elections as election observers.
(3) Any person or persons under 18 may accompany a registered elector for the purposes of observing an election.” 15
- (3) In schedule 1, after rule 32 (1) (e), there is inserted—
“(f) representatives of the Electoral Commission,

- (g) election observers approved by the Returning Officer, and
 (h) any person or persons under 18 accompanying registered electors.”
- (4) In schedule 1, after rule 44 (2) (d), there is inserted –
 “(e) representatives of the Electoral Commission, and
 (f) election observers approved by the Returning Officer.” 5
- (5) The Representation of the People (England and Wales) Regulations 2001 are amended as set out in subsections (6) and (7).
- (6) “In regulation 68, after paragraph (d) there is inserted –
 (e) representatives of the Electoral Commission, and
 (f) election observers approved by the Returning Officer.” 10
- (7) In regulation 83 (1), after “agents” there is inserted “, any representatives of the Electoral Commission and any election observers approved by the returning officer”.
- 3 Consequential amendments**
- (1) The Local Elections (Principal Areas) Rules 1986 are amended as follows – 15
 (a) In rule 26 (1), after paragraph (e) there is inserted –
 “(f) representatives of the Electoral Commission,
 (g) election observers approved by the Returning Officer, and
 (h) any person or persons under 18 accompanying registered electors.” 20
 (b) In rule 38 (2), after paragraph (d) there is inserted –
 “(e) representatives of the Electoral Commission, and
 (f) election observers approved by the Returning Officer.
- (2) The Local Elections (Parishes and Communities) Rules 1986 are amended as follows – 25
 (a) In rule 26 (1), after paragraph (e) there is inserted –
 “(f) representatives of the Electoral Commission, and
 (g) election observers approved by the Returning Officer, and
 (h) any person or persons under 18 accompanying registered electors.” 30
 (b) In rule 38 (2), after paragraph (c) there is inserted –
 “(d) representatives of the Electoral Commission, and
 (e) election observers approved by the Returning Officer.
- (3) The Scottish Parliament (Elections etc.) Order 2002 is amended as follows –
 (a) In schedule 2, rule 41 (1), after paragraph (g) there is inserted – 35
 “(h) representatives of the Electoral Commission,
 (i) election observers approved by the Returning Officer, and

- (j) any person or persons under 18 accompanying registered electors.”
- (b) In schedule 2, rule 53 (2), after paragraph (e) there is inserted –
- “(f) representatives of the Electoral Commission, and
- (g) election observers approved by the Returning Officer.” 5
- (c) In schedule 2, rule 62 (2), after paragraph (e) there is inserted –
- “(f) representatives of the Electoral Commission, and
- (g) election observers approved by the Returning Officer.”
- (4) The Greater London Authority Elections (No 2) Rules 2000 are amended as follows – 10
- (a) In schedule 3, rule 28 (1), after paragraph (e) there is inserted –
- “(f) representatives of the Electoral Commission,
- (g) election observers approved by the Returning Officer, and
- (h) any person or persons under 18 accompanying registered electors.” 15
- (b) In schedule 3, rule 40 (2), after paragraph (d) there is inserted –
- “(e) representatives of the Electoral Commission, and
- (f) election observers approved by the Returning Officer.”
- (c) In schedule 3, rule 46 (2), after paragraph (d) there is inserted –
- “(e) representatives of the Electoral Commission, and 20
- (f) election observers approved by the Returning Officer.”
- (5) The National Assembly for Wales (Representative of the People) Order 2003 is amended as follows –
- (a) In schedule 5, rule 37 (1), after paragraph (g) there is inserted –
- “(h) representatives of the Electoral Commission, 25
- (i) election observers approved by the Returning Officer, and
- (j) any person or persons under 18 accompanying registered electors.”
- (b) In schedule 5, rule 49 (7), after paragraph (d) there is inserted –
- “(e) representatives of the Electoral Commission, and 30
- (f) election observers approved by the Returning Officer.”
- (6) The Representation of the People Act 1983 is amended as follows –
- (a) In schedule 1, regulation 32 (1), after paragraph (e), there is inserted –
- “(f) representatives of the Electoral Commission,
- (g) election observers approved by the Returning Officer, and 35
- (h) any person or persons under 18 accompanying registered electors.”
- (b) In schedule 1, regulation 44 (2), after paragraph (d) there is inserted –

- “(e) representatives of the Electoral Commission, and
(f) election observers approved by the Returning Officer.”
- (7) The Representation of the People (Scotland) Regulations 2001 are amended as follows –
- (a) In regulation 68, after paragraph (d) there is inserted – 5
 “(e) representatives of the Electoral Commission, and
 (f) election observers approved by the Returning Officer.”
- (b) In regulation 83, after “agents”, there is inserted “, any representatives of the Electoral Commission and any election observers approved by the returning officer.” 10
- (8) The Representation of the People (Northern Ireland) Regulations 2001 are amended as follows –
- (a) In regulation 67, after paragraph (d) there is inserted –
 “(e) representatives of the Electoral Commission, and
 (f) election observers approved by the Returning Officer.” 15
- (b) In regulation 80, after “agents”, there is inserted “, any representatives of the Electoral Commission and any election observers approved by the returning officer.”
- 4 Regulations for election observers**
- (1) The Secretary of State may by regulations made by statutory instrument (“Regulations for election observers”) make such provision as he considers appropriate to establish a code regulating the operation of election and referendum observation which shall cover, but not be limited to – 20
- (a) who may apply to be an observer,
 (b) how to apply to be an observer, 25
 (c) the form of permission,
 (d) extent of access,
 (e) secrecy requirements,
 (f) impartiality requirements,
 (g) maintenance of order requirements, 30
 (h) interference in the electoral process, and
 (i) *finance*.
- (2) Before making regulations under this section the Secretary of State shall consult the Electoral Commission.
- (3) No regulation shall be made under this Act by the Secretary of State unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament. 35
- 5 Financial provision**
- There shall be paid out of money provided by Parliament –*
- (a) *any expenditure of the Secretary of State in consequence of this Act; and* 40
 (b) *any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.*

6 Short title

- (1) This Act may be cited as the United Kingdom Elections (Observers) Act 2003.

United Kingdom Elections (Observers) Bill

A

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To make provision for the appointment of observers at statutory elections and referendums in the United Kingdom; to make provision in respect of the observers; and for connected purposes.

*Ordered to be brought in by Jane Griffiths,
Mr Terry Davis, Kali Mountford, Tony Lloyd,
Chris McCafferty, Keith Vaz, Geraldine Smith,
Mr David Atkinson, Mr A. J. Beith
and Mrs Ann Cryer.*

*Ordered, by The House of Commons,
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