

Electoral Administration Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Constitutional Affairs, are published separately as Bill 50 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Ms Harriet Harman has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Electoral Administration Bill are compatible with the Convention rights.

Electoral Administration Bill

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TO

Make provision in relation to the registration of electors and the keeping of electoral registration information; standing for election; the administration and conduct of elections and referendums; and the regulation of political parties.

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:—

PART 1

CO-ORDINATED ON-LINE RECORD OF ELECTORS

1 CORE schemes: establishment

- (1) The Secretary of State may by order make provision for the establishment of one or more schemes (CORE schemes) in connection with the keeping and use of specified electoral registration information by a person designated by a scheme (the CORE keeper). 5
- (2) The electoral registration officer (ERO) who acts for an area specified in a scheme must provide the CORE keeper with the specified electoral registration information relating to the area. 10
- (3) A scheme may require the ERO—
 - (a) to provide the CORE keeper with the information, and
 - (b) to update the information,at such times and in such manner as is provided for by the scheme.
- (4) In particular, a scheme may require the ERO to provide the information and update it in a specified electronic form. 15
- (5) The CORE keeper must keep the information in such form and by such means as is specified by or under the scheme.
- (6) In particular, a scheme may—

- (a) require the CORE keeper to maintain the information in a specified electronic form;
 - (b) specify how other information required (by or under any enactment) to be kept in connection with the information is to be recorded and stored in that form. 5
- (7) The area for which an ERO acts must not be specified in more than one scheme at the same time.
- (8) The Secretary of State may by order vary a scheme –
- (a) by specifying a new area;
 - (b) by removing the specification of an area; 10
 - (c) in such other respects as he thinks appropriate.
- (9) The Secretary of State may by order terminate a CORE scheme and an order under this subsection may make such provision as the Secretary of State thinks necessary or expedient in connection with the termination of the scheme.
- (10) The person designated as a CORE keeper must be a public authority. 15
- (11) Specified electoral registration information is a copy of such of the following information as is specified in the CORE scheme –
- (a) the register of electors for any election;
 - (b) any list or other record relating to such a register which the ERO is required or authorised to keep under or by virtue of any enactment; 20
 - (c) any other information relating to a person who has an entry on such a register which is required for electoral purposes or in connection with jury service;
 - (d) such other information as the Secretary of State specifies being information which he thinks is necessary or expedient to facilitate the effective operation of the scheme. 25

2 Use of CORE information

- (1) A CORE scheme may authorise or require a CORE keeper to take such steps as are specified in the scheme in relation to information kept by him in pursuance of the scheme. 30
- (2) Regulations under –
- (a) section 53(4) of the 1983 Act,
 - (b) paragraphs 10A to 11A of Schedule 2 to that Act, and
 - (c) paragraph 13 of that Schedule, so far as relating to paragraphs 10A to 11A, 35
- have effect in relation to a CORE keeper and any information kept by him in pursuance of a CORE scheme as they have effect in relation to an ERO and any registers he is required to maintain under that Act.
- (3) A CORE scheme may –
- (a) make provision such as is mentioned in paragraphs (a) to (c) of subsection (2) in respect of information kept in pursuance of a CORE scheme; 40
 - (b) make such modifications of provision made under those paragraphs in relation to such information as the Secretary of State thinks appropriate. 45

- (4) Section 40 applies to a CORE keeper as if –
- (a) he were a relevant officer (within the meaning of section 42), and
 - (b) the information kept by him which consists in copies of relevant election documents (within the meaning of that section) were documents relating to an election which he is required by or under any enactment to retain for any period. 5
- (5) The CORE keeper must, in accordance with the scheme, inform an ERO if he thinks that any of the circumstances mentioned in subsection (6) have arisen in relation to –
- (a) a person who is registered in respect of an address on a register which the ERO is required to maintain, or 10
 - (b) an address in relation to which there is an entry on such a register.
- (6) These are the circumstances –
- (a) a person who is registered in respect of an address on a register which the ERO is required to maintain is also registered on a register in respect of another address (whether on the same or a different register); 15
 - (b) more than such number of postal votes as is specified in the scheme is requested for the same address;
 - (c) the same person acts as proxy for more than two electors;
 - (d) a person votes more than once at the same election. 20
- (7) The CORE keeper –
- (a) must provide the ERO with other information of such description as is specified in the scheme relating to a person mentioned in subsection (5)(a);
 - (b) may provide the ERO with such other information relating to the person as he thinks is relevant to the exercise by the ERO of his functions. 25
- (8) If a CORE scheme makes provision which allows an elector to have access to information relating to him which is kept by the CORE keeper, the scheme must also make provision to enable the elector to request any changes to the information. 30
- (9) The CORE keeper must pass any such request to every ERO whose register he thinks may fall to be altered in consequence of the request.
- (10) A CORE scheme –
- (a) must not permit an elector to request a change to information relating to any other elector, but 35
 - (b) may permit an elector who is resident at the same address as another elector to confirm for the purposes of an annual canvass under section 10 of the 1983 Act that the information relating to the other elector is correct. 40
- (11) Except for the purposes of subsections (5) to (7) and (9), a CORE scheme must not authorise an ERO to have access to information provided to the CORE keeper by a different ERO.
- (12) In subsections (5) to (7) and (9) an ERO includes an ERO who acts for an area which is not specified in a CORE scheme. 45

3 CORE scheme grants

- (1) *The Secretary of State may pay grant to a CORE keeper towards expenditure incurred or to be incurred by him in connection with the exercise of his functions under the scheme.*
- (2) The amount of such a grant and the manner of its payment are to be such as the Secretary of State decides. 5
- (3) Such a grant may be paid subject to such conditions as the Secretary of State decides.
- (4) The conditions may include conditions as to the circumstances in which the whole or any part of the grant is to be repaid. 10

4 Electoral Commission

- (1) After section 20 of the 2000 Act (transfer of functions of Local Government Boundary Commission for Wales) insert –

“Commission’s functions relating to CORE

20A Commission as CORE keeper 15

The Commission may be designated as a CORE keeper for the purposes of section 1 of the Electoral Administration Act 2006.”

- (2) If the Secretary of State designates the Electoral Commission as a CORE keeper, any grant which is paid to the Commission in pursuance of section 3 above must be treated as income received by the Commission for the purposes of paragraph 14(1) of Schedule 1 to the 2000 Act. 20

5 CORE schemes: supplemental

- (1) A CORE scheme may make provision as to circumstances in which a payment is to be made –
- (a) by the CORE keeper to an ERO whose area is specified in the scheme; 25
- (b) by such an ERO to the CORE keeper.
- (2) A CORE scheme may make provision –
- (a) as to circumstances in which the CORE keeper and such an ERO may agree that functions of one of them may be exercised by the other;
- (b) for functions of the CORE keeper to be exercised by such an ERO; 30
- (c) for functions of such an ERO to be exercised by the CORE keeper.
- (3) A CORE scheme may make provision as to –
- (a) the circumstances in which the CORE keeper may make a charge for the provision of services or information to any person;
- (b) the level of any such charge. 35
- (4) A CORE scheme may make provision as to the steps to be taken by the CORE keeper in circumstances where a constituency is not wholly situated in the area for which an ERO whose area is specified in the scheme acts.
- (5) Provision under subsection (4) may –

-
- (a) apply with such modifications as are specified in the scheme regulations made in pursuance of paragraph 1(1) of Schedule 2 to the 1983 Act, or
- (b) make provision as to the arrangements to be made in relation to the exercise by the CORE keeper of his functions under the scheme in the circumstances mentioned in that subsection. 5
- (6) If a CORE keeper obtains any information which an ERO is required or authorised to obtain for the purposes of any provision of—
- (a) section 10, 10A or 13A of the 1983 Act (maintenance of registers), or
- (b) Schedule 4 to the Representation of the People Act 2000 (c. 2) (absent voting), 10
- the CORE scheme may provide that any requirement of that provision for a person to provide a personal identifier in the form of the person's signature is to be treated for the purposes of that information as a requirement to provide such other evidence of identity as is specified in the scheme. 15
- (7) Any provision of a CORE scheme which authorises or requires the CORE keeper to supply information to another person may specify the form and manner in which the information is to be supplied.
- (8) The Secretary of State may provide to a CORE keeper such facilities and equipment as he thinks are necessary or expedient to enable the keeper to carry out his functions under the scheme. 20
- (9) The Secretary of State may make the provision of such facilities and equipment subject to such conditions (including conditions as to the circumstances in which the facilities or equipment must be returned to the Secretary of State) as he thinks fit. 25
- (10) Subject to anything in the CORE scheme in respect of which he is designated, a CORE keeper may make such arrangements as he thinks appropriate with any other person for the provision of any service relating to the exercise of his functions under this Part or the CORE scheme.
- 6 CORE schemes: procedure 30**
- (1) The power to make an order under section 1 is exercisable by statutory instrument.
- (2) Such an order must not be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (3) Such an order may make different provision for different purposes. 35
- (4) An order establishing or varying a CORE scheme must not be made unless the Secretary of State first consults—
- (a) the Electoral Commission;
- (b) the Information Commissioner;
- (c) the ERO who acts for each area proposed to be specified in the scheme; 40
- (d) the ERO who acts for an area the specification of which the Secretary of State proposes to remove from the scheme.
- (5) Subsection (4) does not apply if the effect of a variation is only to terminate any aspect of the scheme (other than the removal of the specification of an area in pursuance of section 1(8)(b)). 45

7 Amendment of the 1983 Act

In section 63 of the 1983 Act (breach of official duty), in subsection (3) after paragraph (b) insert—

“(ba) a CORE keeper (within the meaning of Part 1 of the Electoral Administration Act 2006),”.

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8 Interpretation of Part

- (1) This section has effect for the purposes of this Part.
- (2) A CORE scheme is a scheme established under section 1.
- (3) A CORE keeper is a person designated for the purposes of such a scheme.
- (4) “ERO” means an electoral registration officer.

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PART 2

REGISTRATION OF ELECTORS

9 Registration officers: duty to take necessary steps

- (1) After section 9 of the 1983 Act (registers of electors) insert—

“9A Registration officers: duty to take necessary steps

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- (1) Each registration officer must take all steps that are necessary for the purpose of complying with his duty to maintain the registers under section 9 above.

- (2) The steps include—

- (a) sending more than once to any address the form to be used for the canvass under section 10 below;
- (b) making on more than one occasion house to house inquiries under subsection (5) of that section;
- (c) making contact by such other means as the registration officer thinks appropriate with persons who do not have an entry in a register;
- (d) inspecting any records held by any person which he is permitted to inspect under or by virtue of any enactment or rule of law;
- (e) providing training to persons under his direction or control in connection with the carrying out of the duty.

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- (3) Regulations made by the Secretary of State may amend subsection (2) by—

- (a) varying any of the paragraphs in that subsection;
- (b) inserting any paragraph;
- (c) repealing any paragraph.”

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- (2) Subsection (6) of section 9 of that Act is omitted.

10 Anonymous registration

(1) After section 9A of the 1983 Act (inserted by section 9(1) above) insert—

“9B Anonymous registration

- (1) This section applies if an application for registration in a register of parliamentary electors or local government electors is made in accordance with the requirements prescribed for the purposes of section 10A(1)(a) below and is accompanied by— 5
- (a) an application under this section made in accordance with prescribed requirements (an application for an anonymous entry), 10
 - (b) a declaration made in accordance with such requirements for the purposes of this section, and
 - (c) such evidence in support of the application for an anonymous entry as may be prescribed.
- (2) If the registration officer determines that the person is entitled to be registered, he must also determine whether the person’s safety would be at risk if the register contains his name or qualifying address. 15
- (3) If the registration officer determines that the person’s safety would be so at risk—
- (a) section 9(2) above does not apply in relation to the person; and 20
 - (b) the person’s entry in the register shall instead contain letters in the prescribed form and his electoral number.
- (4) An entry containing the matters mentioned in subsection (3)(b) above is referred to in this Act as an anonymous entry.
- (5) If an anonymous entry is made in respect of a person, the registration officer shall remove any other entry in the register for that person. 25
- (6) If the registration officer does not determine that the person’s safety would be at risk if the register contained his name or qualifying address, no entry is to be made in respect of him in the register (whether an anonymous entry or otherwise). 30
- (7) Subsection (6) above does not affect—
- (a) any other entry in the register for the person;
 - (b) the determination of any further application for registration which is made by the person (including an application which is treated as having been made by him by virtue of section 10A(2) below). 35
- (8) Any communication sent by a registration officer or the returning officer for any election to a person who has an anonymous entry (A) must be sent in an envelope or other form of covering so as not to disclose to any other person that A has an anonymous entry. 40
- (9) Subsection (8) does not apply to a communication relating only to a local government election in Scotland.
- (10) In this section, “determines” means determines in accordance with regulations.

9C Removal of anonymous entry

- (1) If a person has an anonymous entry in a register, his entitlement to remain registered in pursuance of the application for registration mentioned in section 9B(1) terminates –
- (a) at the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or 5
 - (b) if the declaration made for the purposes of section 9B is cancelled at any time before the expiry of that 12 month period, at the time when the declaration is cancelled.
- (2) Subsection (1) above does not affect the application of any other provision of this Act or of the Representation of the People Act 1985 which has the effect that the person’s entitlement to registration terminates before the expiry of the 12 month period mentioned in subsection (1) or before the cancellation of the declaration made for the purposes of section 9B. 10
- (3) If a person’s entitlement to remain registered terminates by virtue of subsection (1) above, the registration officer concerned shall remove his entry from the register, unless he is entitled to remain registered with an anonymous entry in pursuance of a further application for registration accompanied by a further application under section 9B.” 15 20
- (2) Part 1 of Schedule 1 (which makes further provision in connection with anonymous registration) has effect.

11 Alterations of registers: pending elections

- (1) Section 13B of the 1983 Act (alteration of registers: pending elections) is amended in accordance with subsections (2) to (4). 25
- (2) For subsection (1) substitute –
- “(1) If, by virtue of section 13A(2) above, an alteration in a published version of a register is to take effect after the fifth day before the date of the poll for an election to which this section applies, the alteration does not have effect for the purposes of the election.” 30
- (3) For subsection (2) substitute –
- “(2) Subsection (3) below applies where –
- (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination, requirement or decision falling within any of paragraphs (a) to (d) of that subsection; 35
 - (b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election area; and 40
 - (c) no alteration made in consequence of the determination, requirement or decision –
 - (i) has already taken effect, or 45
 - (ii) is due to take effect,

under subsection (2) of that section on or before the fifth day before the date of the poll.”

(4) After subsection (3) insert –

“(3A) Subsection (3B) below applies where –

- (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a notification mentioned in paragraph (c) of that subsection; and 5
10
- (b) in consequence of the notification –
 - (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or
 - (ii) his entry in the register requires to be altered. 15

(3B) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and –

- (a) the notice shall be so issued by him when he receives the notification; and 20
- (b) the alteration shall take effect as from the beginning of the day on which the notice is issued.

(3C) Subsection (3D) below applies where –

- (a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination falling within paragraph (d) of that subsection; 25
- (b) the determination was made following a representation made by or on behalf of a person to the registration officer; and 30
- (c) in consequence of the determination –
 - (i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or 35
 - (ii) his entry in the register requires to be altered.

(3D) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and –

- (a) the notice shall be so issued by him when he makes the determination; and 40
- (b) the alteration shall take effect as from the beginning of the day on which the notice is issued.

(3E) In subsection (3C)(b) above, “representation” means a representation made in accordance with prescribed requirements to the effect that the register contains a clerical error.” 45

- (5) In section 56 of the 1983 Act (registration appeals), in subsection (4A) for the words from “13B(3) above” to “returning officer” substitute “13B(3) or (3B) above on or before the date of the poll”.
- (6) Part 2 of Schedule 1 (which contains further amendments of the 1983 Act relating to the alteration of registers) has effect. 5

12 Determinations by registration officers and objections

- (1) In section 7 of the 1983 Act (residence: patients in mental hospitals who are not detained offenders or on remand), after subsection (3)(a) insert –
 “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered, or”. 10
- (2) In section 7A of that Act (residence: persons remanded in custody etc.), after subsection (3)(a) insert –
 “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered, or”.
- (3) In section 7C of that Act (effect of declaration of local connection), after subsection (2)(a) insert –
 “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered,”. 15
- (4) In section 10A of that Act (maintenance of registers: registration of electors) after subsection (3) insert –
 “(3A) Subsection (3) above applies to an objection to a person’s registration whether the objection is made before or after the person is registered in the register.” 20
- (5) In that section, in subsection (5) –
 (a) omit the word “duly”; 25
 (b) for paragraph (b) substitute –
 “(b) determines that the elector was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4 above.” 30
- (6) In that section, after subsection (5A) insert –
 “(5B) A registration officer may, for the purpose of obtaining any information relevant to a determination under subsection (5)(b) above, make such house to house inquiries as he thinks fit.” 35
- (7) In section 15 of that Act (service declaration), after subsection (2)(a) insert –
 “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered,”.
- (8) In section 56 of that Act (registration appeals), after subsection (1)(a) insert –
 “(aa) from any decision under this Act of the registration officer (other than on an application for registration or objection to a person’s registration) that a person registered in respect of any address was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or 40

has otherwise ceased to satisfy the conditions for registration set out in section 4 above.”.

- (9) In section 2 of the Representation of the People Act 1985 (c. 50) (registration of British citizens overseas), after subsection (2)(a) insert –
- “(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered.”. 5

PART 3

ANTI-FRAUD MEASURES

13 Registration: personal identifiers

- (1) The 1983 Act is amended as follows. 10
- (2) In section 10 (maintenance of registers: annual canvass), for subsections (4A) and (4B) substitute –
- “(4A) The information to be obtained by the use of such a form for the purposes of a canvass includes the personal identifiers in respect of each of the persons in relation to whom the form is completed. 15
- (4B) The power in subsection (4) above to prescribe a form includes power to give effect to the requirements of subsection (4A).
- (4C) The Secretary of State may by regulations make provision dispensing with the requirement to provide personal identifiers for the purposes of a prescribed canvass.” 20
- (3) In section 10A (maintenance of the registers: registration of electors), for subsections (1A) and (1B) substitute –
- “(1A) An application for registration in respect of an address shall include the personal identifiers in respect of each of the persons to whom the application relates. 25
- (1B) The power in subsection (1) above to prescribe requirements includes power to give effect to the requirements of subsection (1A).”
- (4) In section 13A (alteration of registers), for subsections (2A) and (2B) substitute –
- “(2A) An application for registration under subsection (1)(a) above in respect of an address shall include the personal identifiers in respect of each of the persons to whom the application relates. 30
- (2B) The power in subsection (1)(a) above to prescribe requirements includes power to give effect to the requirements of subsection (2A).”
- (5) In Schedule 1, in rule 40 (tendered ballot papers) – 35
- (a) after paragraph (1ZE) (inserted by section 36(2) below) insert –
- “(1ZF) A person to whom a ballot paper is not delivered under paragraph (2) of rule 35 following his unsatisfactory answer to the question at entry 1(c) in the table in paragraph (1) of that rule shall, if he satisfactorily answers any other questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to 40

	mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.”;	
	(b) omit sub-paragraph (a) of paragraph (1B).	
(6)	In that Schedule, in rule 45 (the count) –	
	(a) in paragraph (1B) after sub-paragraph (b) insert –	5
	“(c) in the case of an elector, the postal voting statement also states the date of birth of the elector and the returning officer is satisfied that the date stated corresponds with the date supplied as the date of the elector’s birth pursuant to section 10(4A), 10A(1A) or 13A(2A) of this Act.”;	10
	(b) in paragraph (2)(b), for “10(4A)(b), 10A(1A)(b) or 13A(2A)(b)” substitute “10(4A), 10A(1A) or 13A(2A)”;	
	(c) for paragraph (2A) substitute –	
	“(2A) In the case of an elector, unless section 13E(4) of this Act applies, the following documents shall be taken not to be duly signed unless the returning officer is satisfied that the signature on the document corresponds with the signature supplied as the elector’s signature pursuant to section 10(4A), 10A(1A) or 13A(2A) of this Act –	15
	(a) in England, Wales or Scotland, the postal voting statement referred to in paragraph (1B);	
	(b) in Northern Ireland, the declaration of identity referred to in paragraph (2).”	20
14	Personal identifiers	25
(1)	After section 13D of the 1983 Act (offences relating to provision of information) insert –	
	“13E Personal identifiers	
	(1) In this section and in sections 10, 10A and 13A above a reference to a personal identifier must be construed in accordance with subsections (2) and (3) below.	30
	(2) In relation to England and Wales and Scotland these are personal identifiers –	
	(a) a person’s signature;	
	(b) his date of birth;	35
	(c) such other information relating to him as is prescribed.	
	(3) In relation to Northern Ireland these are personal identifiers –	
	(a) a person’s signature;	
	(b) his date of birth;	
	(c) his national insurance number or a statement that he does not have one;	40
	(d) an appropriate statement of residence;	
	(e) any address in the United Kingdom in respect of which he is or has applied to be registered (other than the address in respect of which the form is completed).	45

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- (4) A registration officer may dispense with a requirement to provide a personal identifier mentioned in subsection (2)(a) or (3)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of any incapacity of his or because he is unable to read. 5
- (5) In such circumstances as are prescribed, a registration officer may also dispense with a requirement to provide a personal identifier mentioned in subsection (2)(c) above in relation to any person.
- (6) A person who has provided a signature as a personal identifier may, if for any reason his signature changes, request the registration officer to substitute the new signature for the signature previously provided. 10
- (7) A signature provided by virtue of subsection (6) above must be treated as provided pursuant to the requirements of section 10(4A), 10A(1A) or 13A(2A) (as the case may be).
- (8) Each registration officer must keep a list of such of the information obtained pursuant to the requirements of sections 10(4A), 10A(1A) and 13A(2A) as is prescribed which relates to a person who has an entry on a register he is required to maintain. 15
- (9) A registration officer may disclose the information obtained as mentioned in subsection (8) to – 20
- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties;
 - (b) a returning officer in connection with the exercise of the returning officer’s functions;
 - (c) any person exercising functions in relation to the preparation or conduct of legal proceedings under the Representation of the People Acts; 25
 - (d) such other persons for such other purposes as may be prescribed.
- (10) For the purposes of the parliamentary elections rules the list kept under subsection (8) is a special list prepared for an election. 30
- (11) In subsection (3)(d) an appropriate statement of residence is a statement of whether or not the person has been resident in Northern Ireland –
- (a) in the case of an application under section 10A or 13A(1)(a) above, for the whole of the three month period ending on the date of the application; 35
 - (b) in any other case, for the whole of the three month period ending on 15 October in the year in question.”
- (2) In section 10A of that Act (maintenance of the register: registration of electors), after subsection (4) insert – 40
- “(4A) For the purposes of determining an application for registration a registration officer may –
- (a) take account of any information obtained pursuant to the requirements of sections 10(4A), 10A(1A) and 13A(2A) in relation to the person to whom the application relates; 45
 - (b) compare such information with any other information he has relating to that person.

- (4B) A registration officer in England and Wales or Scotland may determine that a person is not entitled to be registered if any of the personal identifiers is not provided in connection with the application relating to that person.”
- (3) In Schedule 1 to that Act – 5
- (a) in rule 40 (tendered ballot papers), in paragraph (3) at the end insert “and the voter must sign the list opposite the entry relating to him”;
- (b) in rule 43 (procedure on close of poll), in paragraph (1) after subparagraph (d) insert –
- “(da) the list prepared in pursuance of section 13E(8) above;” 10
- (c) in rule 55 (delivery of documents after poll), in paragraph (1) after subparagraph (d) insert –
- “(da) the packets of lists prepared in pursuance of section 13E(8) above;” 15
- 15 Personal identifiers: piloting**
- (1) This section applies if –
- (a) a local authority makes a piloting proposal, and
- (b) no order under section 69(2) has been made for the purposes of the personal identifier provisions in relation to the part of the area of the local authority specified in the proposal. 20
- (2) The Secretary of State may, by order (a pilot order), make provision for such of the personal identifiers and personal identifier provisions as are specified in the order to have effect –
- (a) for such period as is so specified, and 25
- (b) in relation to so much of the area of the local authority as is so specified.
- (3) The Secretary of State must not make a pilot order unless he first consults the Electoral Commission.
- (4) A pilot order must not specify a personal identifier or a personal identifier provision unless it is specified in the piloting proposal. 30
- (5) A pilot order may make such modifications of –
- (a) the personal identifier provisions;
- (b) provision made by or under any enactment relating to elections or referendums,
- as the Secretary of State thinks are necessary or expedient for the purposes of the order. 35
- (6) A pilot order must not make any provision relating to local government elections in Scotland (within the meaning of the 1983 Act).
- (7) The Secretary of State may revoke a pilot order before the end of the period specified in the order. 40
- (8) A pilot order may make different provision for different purposes.
- (9) *The Secretary of State may reimburse an electoral registration officer or a returning officer for any expenditure necessarily incurred by the officer in consequence of the making of a pilot order.*

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- (10) A local authority is –
- (a) in England, a county council, a district council, a London borough council or the Greater London Authority,
 - (b) in Wales, a county council or a county borough council, or
 - (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39). 5
- (11) A piloting proposal is a proposal made by a local authority for the application to such part of its area as is specified in the proposal of such of the personal identifiers and personal identifier provisions as are so specified.
- (12) A reference to a personal identifier must be construed in accordance with section 13E of the 1983 Act (as inserted by section 14 above). 10
- (13) The personal identifier provisions are –
- (a) the amendments made to the 1983 Act by section 13 (except subsection (5)) and section 14;
 - (b) question (c) of entry 1 in the table in paragraph (1) of rule 35 of the parliamentary elections rules in Schedule 1 to the 1983 Act (as substituted by paragraph 70 of Schedule 1 to this Act). 15
- (14) An order under subsection (7) revoking a pilot order may make such consequential, transitional or savings provision (including provision modifying any enactment or subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30))) as the Secretary of State thinks appropriate. 20
- (15) The power to make an order under this section is exercisable by statutory instrument which must be laid before each House of Parliament after it has been made.
- 16 Evaluation of personal identifier pilots 25**
- (1) The Secretary of State may direct the Electoral Commission to report to him as to the operation of a pilot order under section 15.
- (2) A report under this section must include an assessment of the extent to which the use of a personal identifier (within the meaning of section 13E of the 1983 Act) has achieved any objective specified in the order in relation to the identifier. 30
- (3) In making an assessment under subsection (2), the Commission must –
- (a) apply such criteria as are specified in the order;
 - (b) use any data specified, or of a description specified, in the order;
 - (c) apply any methodology specified, or of a description specified, in the order. 35
- (4) A direction under subsection (1) may require a report to be made before the expiry of the period specified in the pilot order.
- (5) If the Secretary of State gives a direction under subsection (1) he must also notify the local authority in response to whose proposal the pilot order has or had effect. 40
- (6) For the purposes of preparing their report the Commission must consult the local authority in response to whose proposal the pilot order has or had effect.

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- (7) The local authority must give the Commission such assistance as they may reasonably require in connection with the preparation of the report.
- (8) The assistance may include –
- (a) making arrangements for ascertaining the views of electors about the use of the personal identifier; 5
 - (b) reporting to the Commission allegations of personation and of other electoral offences or malpractice;
 - (c) providing financial and other data relating to the management of pilot schemes.
- 17 Revision of personal identifier provisions in consequence of pilot 10**
- (1) This section applies if the Secretary of State thinks, in the light of a report made under section 16 on the operation of a pilot order under section 15, that it would be desirable for provision similar to that made by the pilot order to apply generally, and on a permanent basis, in relation to –
- (a) all elections (other than local government elections in Scotland), or 15
 - (b) any description of election (other than a local government election in Scotland).
- (2) An order made by the Secretary of State under section 69(2) for the purposes of the personal identifier provisions may include such provision as he thinks appropriate for modifying or disappling – 20
- (a) any of the personal identifier provisions;
 - (b) provision made by or under any enactment relating to elections (other than local government elections in Scotland) or referendums.
- (3) The Secretary of State must not make an order which includes provision mentioned in subsection (2) unless he first consults the Electoral Commission. 25
- (4) An order which includes provision mentioned in subsection (2) may exempt from the operation of the provisions mentioned in paragraph (b) of section 15(13) any local government area specified in the order but, subject to that, must make the same provision – 30
- (a) in relation to local government elections, or
 - (b) if it applies only to a particular description of such elections, in relation to elections of that description,
- throughout England and Wales.
- (5) An order which exempts any local government area as mentioned in subsection (4) shall, if apart from this subsection it would be treated for the purposes the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument. 35
- (6) When the Secretary of State lays before either House of Parliament, under section 69(5), a draft of an order which includes provision mentioned in subsection (2) he must also lay before that House a copy of each report under section 16 in the light of which the order includes such provision. 40
- (7) Rules made under any enactment relating to elections or referendums may make such provision as the person making the rules thinks appropriate in connection with any provision made by an order which includes provision mentioned in subsection (2). 45

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- (8) Nothing in this section must be taken to prejudice the generality of any power contained in any other Act to make subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) with respect to –
- (a) elections of any description;
 - (b) referendums.
- (9) References to personal identifier provisions must be construed in accordance with section 15(13).
- (10) A local government election in Scotland is such an election within the meaning of the 1983 Act.
- 18 Offences as to false registration information**
- (1) Section 13D of the 1983 Act (provision of false information) is amended in accordance with subsections (2) to (8).
- (2) For subsection (1) substitute –
- “(1) A person who for any purpose connected with the registration of electors provides to a registration officer any false information is guilty of an offence.”
- (3) After subsection (1) (as substituted by subsection (2) above) insert –
- “(1A) A person who provides false information in connection with an application (other than an application relating only to a local government election in Scotland) to which any of the following provisions of Schedule 4 to the Representation of the People Act 2000 applies (applications relating to absent voting) is guilty of an offence –
- (a) paragraph 3(1) or (2);
 - (b) paragraph 4(1) or (2);
 - (c) paragraph 7(4).”
- (4) In subsection (2) –
- (a) for “the Chief Electoral Officer for Northern Ireland” substitute “a registration officer”;
 - (b) for “the dispensation referred to in section 10(4B), 10A(1B) or 13A(2B) above” substitute “a dispensation referred to in section 13E(4) or (5) below”.
- (5) In subsection (3) after “subsection (1)” insert “or (1A)”.
- (6) In subsection (4) after “subsection (1)” insert “or (1A)”.
- (7) In subsection (6)(a) for “six months” substitute “51 weeks”.
- (8) After subsection (6) insert –
- “(7) In the application of subsection (6)(a) to Scotland and Northern Ireland, the reference to 51 weeks must be taken to be a reference to six months.
- (8) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (6)(a) to 51 weeks must be taken to be a reference to six months.”

- (9) With effect from the commencement of this section, section 13D of the 1983 Act extends to the whole of the United Kingdom.
- (10) In section 8 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13) (short title, interpretation, commencement and extent), in subsection (5) after “Act” insert “(except section 7)”. 5

PART 4

REVIEW OF POLLING PLACES

19 Review of polling places

- (1) For section 18 of the 1983 Act (polling districts and places at parliamentary elections) substitute – 10

“18A Polling districts at parliamentary elections

- (1) Every constituency is to be divided into polling districts.
- (2) A relevant authority must –
- (a) divide its area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in its area, and 15
 - (b) keep the polling districts under review.
- (3) The following rules apply –
- (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances; 20
 - (b) in England, each parish is to be a separate polling district;
 - (c) in Wales, each community is to be a separate polling district;
 - (d) in Scotland, each electoral ward (within the meaning of section 5 of the Local Government etc (Scotland) Act 1994) is to be a separate polling district. 25
- (4) Subsection (3)(b) to (d) does not apply if, in any case, there are special circumstances.
- (5) If an alteration of polling districts in an area is made under this section – 30
- (a) the registration officer who acts for the area must make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration, and
 - (b) the alteration is effective on the date on which the registration officer publishes a notice stating that the adaptations have been made by him. 35

18B Polling places at parliamentary elections

- (1) A polling place is to be designated for each polling district in a constituency.
- (2) But subsection (1) does not apply if the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them. 40

- (3) A relevant authority must –
 - (a) designate the polling places for the polling districts in its area, and
 - (b) keep the polling places in its area under review.
- (4) The following rules apply – 5
 - (a) the authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances;
 - (b) the authority must seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled; 10
 - (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing; 15
 - (d) the polling place for a polling district must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district;
 - (e) the polling place for a polling district must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station. 20
- (5) If no polling place is designated for a polling district the polling district is to be taken to be the polling place.

18C Review of polling districts and places

- (1) Each relevant authority must complete a review under sections 18A and 18B of all of the polling districts and polling places in its area before the end of the period of 12 months starting with the date on which section 19 of the Electoral Administration Act 2006 comes into force. 25
- (2) Subsection (1) does not apply in the case of a polling district or polling place (as the case may be) which is designated for the first time during that period. 30
- (3) In such a case, the first review of the polling district or polling place must be completed before the end of the period of four years starting with the date on which that designation is made.
- (4) The authority must complete a further review of each polling district and polling place in its area before the end of the period of four years starting with the completion of the previous such review. 35
- (5) Subsections (1) to (4) do not prevent a relevant authority carrying out at any time a review of a particular polling district or polling place.
- (6) Schedule A1 has effect in relation to a review. 40

18D Review of polling districts and places: representations to Electoral Commission

- (1) This section applies if in relation to a constituency in the area of a relevant authority a relevant representation is made to the Electoral Commission by – 45
 - (a) an interested authority in England and Wales;

- (b) not less than 30 electors in the constituency;
 - (c) a person (other than the returning officer) who has made representations under Schedule A1;
 - (d) a person who is not an elector in a constituency in the authority's area but who the Commission think has sufficient interest in the accessibility of disabled persons to polling places in the area or has particular expertise in relation to the access to premises or facilities of disabled persons. 5
- (2) A relevant representation is a representation that a review under section 18A or 18B has not been conducted by a relevant authority so as to – 10
- (a) meet the reasonable requirements of the electors in the constituency or any body of those electors, or
 - (b) take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place. 15
- (3) The returning officer for the constituency may make observations on representations made under this section.
- (4) The Electoral Commission must consider such representations and observations and may, if they think fit –
- (a) direct the relevant authority to make any alterations to the polling places designated by the review which the Commission think necessary in the circumstances; 20
 - (b) if the authority fails to make the alterations before the end of the period of two months starting on the day the direction is given, make the alterations themselves. 25
- (5) Alterations made by the Electoral Commission under subsection (4) have effect as if they had been made by the relevant authority.
- (6) An interested authority in relation to a constituency in England and Wales is –
- (a) in England, the council of a parish, or where there is no such council the parish meeting of a parish, which is wholly or partly situated within the constituency; 30
 - (b) in Wales, the council of a community which is so situated.
- (7) The reference in subsection (1)(b) to electors does not include persons who have an anonymous entry in the register of parliamentary electors or local government electors. 35

18E Sections 18A to 18D: supplemental

- (1) This section applies for the purposes of sections 18A to 18D.
- (2) No election is to be questioned by reason of –
- (a) any non-compliance with the provisions of those sections, or 40
 - (b) any informality relative to polling districts or polling places.
- (3) Each of the following is a relevant authority –
- (a) in relation to England, the council of a district or London borough;
 - (b) in relation to Scotland, a local authority; 45
 - (c) in relation to Wales, the council of a county or county borough.

- (4) The following do not apply to Northern Ireland –
- (a) section 18A(2) to (5);
 - (b) section 18B(2) to (5);
 - (c) sections 18C and 18D,
- and in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962.” 5
- (2) Before Schedule 1 to that Act (parliamentary elections rules) insert –
- “SCHEDULE A1 10
- Section 18C
- REVIEW OF POLLING DISTRICTS AND POLLING PLACES
- 1 The relevant authority must publish notice of the holding of a review.
- 2 The authority must consult the returning officer for every parliamentary election held in a constituency which is wholly or partly in its area. 15
- 3 (1) Every such returning officer must make representations to the authority.
- (2) The representations must include information as to the location of polling stations (existing or proposed) within polling places (existing or proposed). 20
- (3) The representations must be published in such manner as is prescribed.
- 4 (1) The authority must seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. 25
- (2) Such persons must have an opportunity –
- (a) to make representations;
 - (b) to comment on the returning officer’s representations. 30
- 5 Any elector in a constituency situated in whole or in part in the authority’s area may make representations.
- 6 Representations made by any person in connection with a review of polling places may include proposals for specified alternative polling places. 35
- 7 On completion of a review the authority must –
- (a) give reasons for its decisions in the review;
 - (b) publish such other information as is prescribed.”

PART 5

STANDING FOR ELECTION

20 Minimum age

- (1) A person is disqualified for membership of the House of Commons if, on the day on which he is nominated as a candidate, he has not attained the age of 18. 5
- (2) Subject to an order made by the House of Commons under section 6(2) of the House of Commons Disqualification Act 1975 (c. 24) as applied by subsection (3), if a person disqualified by subsection (1) for membership of that House is elected as a member of that House his election is void.
- (3) Sections 6(2) to (4) and 7 of that Act apply in the case of a person disqualified by subsection (1) as they apply in the case of a person disqualified by that Act, and references in those sections to a person disqualified by that Act must be construed as including references to a person disqualified by subsection (1). 10
- (4) In section 79(1) of the Local Government Act 1972 (c. 70) (qualifications for election and holding office as a member of a local authority) for “twenty-one” substitute “eighteen”. 15
- (5) In section 20(3) of the Greater London Authority Act 1999 (c. 29) (minimum age for election as Mayor or Assembly member) for “21” substitute “18”.
- (6) In section 3(1) of the Local Government Act (Northern Ireland) 1972 (C. 9) (qualifications for election and holding office as a councillor) for “twenty-one” substitute “eighteen”. 20
- (7) The following enactments (which disqualify a person who has not attained the age of 21 for election as a Member of Parliament), so far as not previously repealed, cease to have effect –
- (a) section 7 of the Parliamentary Elections Act 1695 (c. 25); 25
 - (b) the Election Act 1707 (cap. 8);
 - (c) section 74 of the Parliamentary Elections (Ireland) Act 1823 (c. 55).
- (8) In section 6 of the Union with Scotland Act 1706 (c. 11) the words “It is always hereby expressly provided and declared that none shall be capable to elect or be elected for any of the said estates but such as are twenty one years complete” do not apply for the purpose of fixing the minimum age at which a person may be elected as a member of the House of Commons. 30

21 Certain Commonwealth citizens

- (1) In section 3 of the Act of Settlement (1700 c. 2), the words from “That after the said limitation shall take effect” to “in trust for him.” (which impose certain disqualifications) do not apply (so far as they relate to membership of the House of Commons) to a person who is –
- (a) a qualifying Commonwealth citizen, or
 - (b) a citizen of the Republic of Ireland.
- (2) For the purposes of subsection (1), a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either –
- (a) is not a person who requires leave under the Immigration Act 1971 (c. 77) to enter or remain in the United Kingdom, or
- 35
- 40

- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (3) But a person is not a qualifying Commonwealth citizen by virtue of subsection (2)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (c. 77) (exceptions to requirement for leave in special cases). 5
- (4) Subject to an order made by the House of Commons under section 6(2) of the House of Commons Disqualification Act 1975 (c. 24) as applied by subsection (5) – 10
- (a) if a person disqualified for membership of that House by virtue of section 3 of the Act of Settlement (1700 c. 2) as modified by this section is elected as a member of that House his election is void;
- (b) if a person being a member of that House becomes so disqualified for membership his seat is vacated. 15
- (5) Sections 6(2) to (4) and 7 of the House of Commons Disqualification Act 1975 apply in the case of a person disqualified as mentioned in subsection (4) as they apply in the case of a person disqualified by that Act, and references in those sections to a person disqualified by that Act must be construed as including references to a person disqualified as mentioned in subsection (4). 20
- (6) Part 3 of Schedule 1 (which contains further amendments relating to standing for election) has effect.
- (7) In Schedule 7 to the British Nationality Act 1981 (c. 61), the entry relating to the Act of Settlement is omitted.
- 22 Nomination procedures** 25
- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows.
- (2) In rule 1 (timetable), in the entry in the second column in respect of “Publication of statement of persons nominated”, for the words from “at the close of” to the end substitute “ – 30
- (a) if no objections to nomination papers are made, at the close of the time for doing so, or
- (b) if any such objections are made, not before they are disposed of but not later than 24 hours after the last time for delivery of nomination papers.” 35
- (3) In rule 5 (notice of election), after paragraph (1) insert –
- “(1A) The notice of election must also state the arrangements which apply for the payment of the deposit required by rule 9 below to be made by means of the electronic transfer of funds.”
- (4) In rule 6 (nomination of candidates), in paragraph (3) for the words from “either” to the end substitute “one of the following – 40
- (a) a description which is authorised as mentioned in rule 6A(1) or (1B) below;
- (b) a description permitted under rule 6B(1) below;

- (c) if the candidate is the Speaker of the House of Commons seeking re-election, the words “The Speaker seeking re-election”.
- (5) In rule 9 (deposit), in paragraph (2)(c) after “manner” insert “(including by means of a debit or credit card or the electronic transfer of funds)”. 5
- (6) In rule 12 (validity of nomination papers), in paragraph (3) for the words from “as soon as practicable” to the end substitute “–
(a) as soon as practicable after it is made, and
(b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.” 10
- (7) In that rule, in paragraph (3A) for the words from “as soon as practicable” to the end substitute “–
(a) as soon as practicable after delivery of the nomination paper, and
(b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.” 15
- (8) After rule 14 insert –
“Correction of minor errors” 20
- 14A (1) A returning officer may, if he thinks fit, at any time before the publication under rule 14 above of the statement of persons nominated, correct minor errors in a nomination paper.
- (2) Errors which may be corrected include –
(a) errors as to a person’s electoral number; 25
(b) obvious errors of spelling in relation to the details of a candidate.
- (3) Anything done by a returning officer in pursuance of this rule must not be questioned in any proceedings other than proceedings on an election petition. 30
- (4) A returning officer must have regard to any guidance issued by the Electoral Commission for the purposes of this rule.”
- (9) In rule 53 (return or forfeiture of deposit), in paragraph (4) for “one-twentieth” substitute “one-fiftieth”.
- 23 Description of independent candidates** 35
- (1) Schedule 1 to the 1983 Act is amended in accordance with subsections (2) to (5).
- (2) After rule 6A (nomination papers: name of registered political party) insert –
“Nomination papers: description of independent candidates”
- 6B (1) A nomination paper for a candidate (other than the Speaker seeking re-election) whose description is not authorised as mentioned in rule 6A(1) or (1B) above may not include a description of the candidate unless it falls within paragraph (2) or (3). 40

-
- (2) A description falls within this paragraph if –
- (a) in relation to a candidate standing in an election in England, Scotland or Northern Ireland, it consists of the word “Independent”;
 - (b) in relation to a candidate standing in an election in Wales, it consists of the word “Independent” or the word “Annibynnwr”. 5
- (3) A description falls within this paragraph if it is not more than six words in length and in the opinion of the returning officer –
- (a) it is not the same as a registered description or the description of another candidate, 10
 - (b) it is not so similar to a registered description or the description of another candidate as to be likely to confuse an elector,
 - (c) it is not likely to lead electors to associate the candidate with a registered political party, 15
 - (d) it is not obscene or offensive,
 - (e) it is not of such a character that its publication would be likely to lead to the commission of an offence,
 - (f) it does not include any word or expression prohibited by virtue of an order made by the Secretary of State, 20
 - (g) it would not be likely, were it to appear on a ballot paper issued at an election –
 - (i) to result in an elector being misled as to the effect of his vote, or 25
 - (ii) to contradict, or hinder an elector’s understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,
 - (h) it does not contain any script other than Roman script, and
 - (i) it conforms to such other requirements as to descriptions falling within this paragraph as are prescribed. 30
- (4) For the purposes of the exercise of his functions under paragraph (3), a returning officer must have regard to any guidance issued by the Electoral Commission.
- (5) The Secretary of State must not make an order under paragraph (3)(f) unless he first consults the Electoral Commission. 35
- (6) An order under paragraph (3)(f) may except the use of a word or expression from the prohibition in specified circumstances.
- (7) The power to make an order under paragraph (3)(f) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament. 40
- (8) In the application of paragraph (3) to a candidate standing in an election in Wales, for “it is not more than six words in length” substitute “its length does not exceed six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language”. 45
- (9) In paragraph (3) –

- “registered description” means a description registered for use by a party in pursuance of section 28A or 28B of the Political Parties, Elections and Referendums Act 2000;
- “registered political party” means a party which was registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of the election is required to be published by virtue of rule 1.” 5
- (3) In rule 8 (consent to nomination), in paragraph (3), after sub-paragraph (b) insert “and
- (c) shall, if the candidate is neither – 10
- (i) the subject of a party’s authorisation under rule 6A(1) or (1B), nor
- (ii) the Speaker seeking re-election, state that he has not been selected or authorised to stand in the name or on behalf of any registered party, organisation or other person.” 15
- (4) In rule 12 (validity of nomination papers), after paragraph (3A) insert –
- “(3B) If the returning officer thinks that the description on the nomination paper of a candidate whose description is not authorised as mentioned in rule 6A(1) or (1B) (candidate A) is misleadingly similar to the description of another such candidate (candidate B) whose nomination he received first he must, as soon as practicable after the receipt of the second nomination, give his decision on its validity. 20
- (3C) For the purposes of paragraph (3B) a description is misleadingly similar if it is so similar to another description as to be likely to result in an elector confusing candidate A with candidate B.” 25
- (5) In rule 19 (ballot papers), after paragraph (2B) insert –
- “(2C) In the case of a candidate who is neither –
- (a) the subject of a party’s authorisation under rule 6A(1) or (1B), nor 30
- (b) the Speaker seeking re-election, the emblem for an independent candidate must be printed against the candidate’s particulars.
- (2D) In paragraph (2C) the emblem for an independent candidate is – 35
- (a) in relation to an election in England, Scotland or Northern Ireland, “IND”;
- (b) in relation to an election in Wales, “IND/ANNIB” or, if the candidate so requests, “ANNIB/IND”.
- (2E) The candidate’s request under paragraph (2D)(b) must – 40
- (a) be made in writing to the returning officer, and
- (b) be received by him during the period for delivery of nomination papers set out in the Table in rule 1.”
- (6) In section 29 of the 2000 Act (emblems), after subsection (2) insert –
- “(2A) The Commission must not register any of the emblems “IND”, “ANNIB”, “IND/ANNIB” and “ANNIB/IND” as the emblem of any party.” 45

PART 6

CONDUCT OF ELECTIONS ETC.

Election timetables

24 Omission of references to Maundy Thursday

Part 4 of Schedule 1 contains amendments which omit the words “Maundy Thursday” from certain enactments specifying the days which are to be disregarded for the purposes of election timetables and the computation of periods relating to elections. 5

Nomination

25 Use of candidates’ common names 10

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

(2) In rule 6 (nomination of candidates), after paragraph (2) insert—

“(2A) If a candidate commonly uses—
(a) a surname which is different from any other surname he has, 15
or
(b) a forename which is different from any other forename he has,
the nomination paper may state the commonly used surname or forename in addition to the other name.” 20

(3) In rule 14 (publication of statement of persons nominated), after paragraph (2) insert—

“(2A) If a person’s nomination paper gives a commonly used surname or forename in addition to another name, the statement shall show the person’s commonly used surname or forename (as the case may be) 25
instead of any other name.

(2B) Paragraph (2A) above does not apply if the returning officer thinks—

(a) that the use of the person’s commonly used name may be likely to mislead or confuse electors, or
(b) that the commonly used name is obscene or offensive. 30

(2C) If paragraph (2B) above applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.”

(4) In the Appendix of forms, in the Form of nomination paper, for the first table

following the words “candidate at the said election” substitute—

<i>“Candidate’s surname”</i>	<i>Other names in full</i>	<i>Commonly used surname (if any)</i>	<i>Commonly used forenames (if any)</i>	<i>Description (if any)</i>	<i>Home address in full</i>	
SULLIVAN	Arthur Seymour	GILBERT	W. S.	Independent (against upgrading the M399)	52, Bunthorne Walk, Basingstoke”	5

(5) In the Appendix of forms, in the Note following the Form of nomination paper, after paragraph 2 insert— 10

“2A Where a candidate commonly uses a name which is different from any other name he has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper. 15

2B But the ballot paper will show the other name if the returning officer thinks—
(a) that the use of the commonly used name may be likely to mislead or confuse electors, or
(b) that the commonly used name is obscene or offensive.” 20

26 Offences as to false statements in nomination papers

In section 65A of the 1983 Act (false statements in nomination papers), after subsection (1) insert—

“(1A) A person is guilty of a corrupt practice if, in the case of any relevant election, he makes in any document in which he gives his consent to his nomination as a candidate— 25

- (a) a statement of his date of birth,
- (b) a statement as to his qualification for being elected at that election, or
- (c) a statement that he has not been selected or authorised to stand in the name or on behalf of any registered party, organisation or other person, 30

which he knows to be false in any particular.

(1B) For the purposes of subsection (1A), a statement as to a candidate’s qualification is a statement— 35

- (a) that he is qualified for being elected,
- (b) that he will be qualified for being elected, or
- (c) that to the best of his knowledge and belief he is not disqualified for being elected.”

Election expenses

27 Amount of expenses which may be incurred by third party

- (1) Section 75 of the 1983 Act (prohibition of expenses not authorised by election agent) is amended as follows.
- (2) In subsection (1) – 5
 - (a) after “be incurred” insert “during the relevant period”;
 - (b) omit from “but paragraph (c) or (d) of” to the end.
- (3) After subsection (1) insert –
“(1ZZA) Paragraph (c) or (d) of subsection (1) above does not restrict the publication of any matter relating to the election in – 10
 - (a) a newspaper or other periodical,
 - (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
 - (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996. 15
- (1ZZB) Subsection (1) above does not apply to any expenses incurred by any person –
 - (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action), or 20
 - (b) in travelling or in living away from home or similar personal expenses.”
- (4) In subsection (1ZA) for “subsection (1)(ii)” in each place where it occurs substitute “subsection (1ZZB)(a)”. 25
- (5) After subsection (7) insert –
“(8) In this section, “the relevant period” means –
 - (a) in relation to a parliamentary general election, the period of four months ending with the date of the poll for the election;
 - (b) in relation to a local government election (other than an election under section 89 of the Local Government Act 1972 to fill a casual vacancy), the period of four months ending with the date of the poll for the election; 30
 - (c) in relation to a by-election or an election under section 89 of the Local Government Act 1972 to fill a casual vacancy, the period starting with the day when the vacancy occurs and ending with the date of the poll for the election. 35
- (9) But in relation to a parliamentary general election the poll for which is held less than four months after the date of the poll for the parliamentary general election which preceded it, “the relevant period” means the period – 40
 - (a) beginning with the day after the date of the poll for the earlier election, and
 - (b) ending with the date of the poll for the election in question.
- (10) For the purposes of subsection (1) – 45

-
- (a) expenditure incurred before the relevant period is to be treated as having been incurred during the relevant period if it is incurred in connection with any thing which is used or takes place during the relevant period;
- (b) it is immaterial whether at the time the expenditure is incurred it is known who will be the candidate at the election.” 5
- (6) The amendments made by this section (except subsections (2)(a) and (5)) must be taken to have had effect from 16 February 2001 (the date of coming into force of section 131 of the 2000 Act).
- (7) This section does not apply to local government elections in Scotland (within the meaning of the 1983 Act). 10
- 28 Return as to election expenses**
- (1) In section 81 of the 1983 Act (returns as to election expenses), omit subsection (3) and insert—
- “(3A) The return shall also contain as respects that candidate— 15
- (a) a statement relating to such other expenses in connection with which provision is made by this Part as the Electoral Commission provide in regulations;
- (b) a statement relating to such claims (whether paid, unpaid or disputed) in connection with such election expenses or such other expenses mentioned in paragraph (a) as the Electoral Commission so provide; 20
- (c) a statement relating to such other matters as is prescribed.”
- (2) This section does not apply to local government elections in Scotland (within the meaning of the 1983 Act). 25
- 29 Meaning of election expenses for purposes of the 1983 Act**
- (1) The 1983 Act is amended as follows.
- (2) After section 90 (election expenses at elections where election agent not required) insert—
- “90ZA Meaning of “election expenses” 30**
- (1) In this Part of this Act “election expenses” in relation to a candidate at an election means (subject to subsections (2) and (3) below and section 90C below) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 4A which is used for the purposes of the candidate’s election during the relevant period. 35
- (2) For the purposes of subsection (1), it is immaterial whether any such matter is so used before or after the date when the candidate becomes a candidate at the election.
- (3) No election expenses are to be regarded as incurred by virtue of subsection (1) above or section 90C below in respect of any matter specified in Part 2 of Schedule 4A. 40

-
- (4) In this section and in section 90C below, “for the purposes of the candidate’s election” means with a view to, or otherwise in connection with, promoting or procuring the candidate’s election at the election.
- (5) In this section, “the relevant period” means –
- (a) in relation to a parliamentary general election, the period of four months ending with the date of the poll for the election; 5
 - (b) in relation to a local government election (other than an election under section 89 of the Local Government Act 1972 to fill a casual vacancy), the period of four months ending with the date of the poll for the election; 10
 - (c) in relation to a by-election or an election under section 89 of the Local Government Act 1972 to fill a casual vacancy, the period starting with the day when the vacancy occurs and ending with the date of the poll for the election.
- (6) But in relation to a parliamentary general election the poll for which is held less than four months after the date of the poll for the parliamentary general election which preceded it, “the relevant period” means the period –
- (a) beginning with the day after the date of the poll for the earlier election, and 15
 - (b) ending with the date of the poll for the election in question. 20
- (7) For the purposes of this Part of this Act, election expenses are incurred by or on behalf of a candidate at an election if they are incurred –
- (a) by the candidate or his election agent, or
 - (b) by any person authorised by the candidate or his election agent to incur expenses. 25
- (8) In this Part of this Act, any reference to election expenses incurred by or on behalf of a candidate at an election other than a by-election includes expenses –
- (a) which are incurred as mentioned in subsection (1) above before the date when he becomes a candidate at the election, but 30
 - (b) which by virtue of that subsection and subsection (2) above fall to be regarded as election expenses.
- (9) In this Part and in Part 3 of this Act, any reference (in whatever terms) to promoting or procuring a candidate’s election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election. 35
- (10) Schedule 4A has effect.
- (11) This section does not apply to a local government election in Scotland.”
- (3) Omit sections 90A and 90B. 40
- (4) The repeal of sections 90A and 90B by subsection (3) does not extend to those sections as they apply to local government elections in Scotland (within the meaning of the 1983 Act).
- (5) After Schedule 4 (election expenses at certain local elections in England and

Wales) insert—

“SCHEDULE 4A

Section 90ZA

ELECTION EXPENSES

PART 1

5

LIST OF MATTERS

- | | | |
|---|--|----|
| 1 | Advertising of any nature (whatever the medium used). | |
| | Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it. | 10 |
| 2 | Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area). | 15 |
| | Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage). | 20 |
| 3 | Transport (by any means) of persons to any place. | |
| | Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period. | |
| 4 | Public meetings (of any kind). | 25 |
| | Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them. | 30 |
| 5 | The services of an election agent or any other person whose services are engaged in connection with the candidate’s election. | |
| 6 | Accommodation and administrative costs. | |

PART 2

GENERAL EXCLUSIONS

35

- | | | |
|---|--|----|
| 7 | The payment of any deposit required by rule 9 of Schedule 1 to this Act. | |
| 8 | The publication of any matter, other than an advertisement, relating to the election in— | |
| | (a) a newspaper or periodical; | 40 |

- (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru;
- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996. 5
- 9 The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Act other than facilities in respect of which expenses fall to be defrayed by virtue of sections 95(4) and 96(4) above.
- 10 The provision by an individual of his own services which he provides voluntarily in his own time and free of charge. 10
- 11 (1) Accommodation which is the candidate’s sole or main residence.
(2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.
- 12 (1) Transport by a means of transport which was acquired by the candidate principally for his own personal use. 15
(2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.
- 13 (1) Computing or printing equipment which was acquired by the candidate principally for his own personal use. 20
(2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.

PART 3 25

SUPPLEMENTAL

Guidance by Commission

- 14 (1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice giving guidance as to the matters which do, or do not, fall within Part 1 or 2 of this Schedule. 30
(2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Secretary of State for his approval.
(3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine. 35
(4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether –
(a) in its original form, or
(b) in a form which incorporates any modifications determined under sub-paragraph (3), 40
before each House of Parliament.

- (5) If the draft incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of his reasons for making them.
- (6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code. 5
- (7) If no such resolution is made within the 40-day period –
- (a) the Secretary of State must issue the code in the form of the draft laid before Parliament, and
 - (b) the code is to come into force on such date as the Secretary of State may by order appoint, 10
- and the Commission must arrange for it to be published in such manner as they think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament. 15
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means –
- (a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and 20
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,
- no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days. 25
- (10) In this paragraph references to a draft code include a revised draft code.

Power to amend Parts 1 and 2

- 15 (1) The Secretary of State may by order made by statutory instrument make such amendments of Part 1 or 2 of this Schedule as he considers appropriate. 30
- (2) An order under sub-paragraph (1) shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) The Secretary of State may make such an order either – 35
- (a) where the order gives effect to a recommendation of the Electoral Commission; or
 - (b) after consultation with the Electoral Commission.”

Observation of elections etc.

30 Discretion to report on certain elections 40

In section 5 of the 2000 Act (reports on elections and referendums), after subsection (2) insert –

“(2A) After –

- (a) a parliamentary by-election,
 - (b) an election held under section 9 of the Scotland Act 1998 (election for the Scottish Parliament in the case of a constituency vacancy), or
 - (c) an election held under section 8 of the Government of Wales Act 1998 (election for the National Assembly for Wales in the case of a constituency vacancy),
- the Commission may prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.”

31 Observation of proceedings and working practices

After section 6 of the 2000 Act (reviews of electoral and political matters), insert—

“6A Attendance of representatives of Commission at elections etc.

- (1) A representative of the Commission may apply for permission to attend any proceedings to which this section applies. 15
- (2) The proceedings to which this section applies are—
 - (a) proceedings relating to an election specified in subsection (11) which are the responsibility of the returning officer for the election; 20
 - (b) proceedings relating to a referendum to which Part 7 applies which are the responsibility of the relevant counting officer.
- (3) An application under subsection (1) must be made—
 - (a) in the case of an election, to the returning officer for the election;
 - (b) in the case of a referendum, to the relevant counting officer. 25
- (4) An application under subsection (1) must specify the proceedings in respect of which permission is sought.
- (5) If the returning officer or the relevant counting officer (as the case may be) grants the permission sought, the representative of the Commission may attend the proceedings in question. 30
- (6) The returning officer or the relevant counting officer (as the case may be) may at any time revoke a permission granted as mentioned in subsection (5).
- (7) If the returning officer or the relevant counting officer—
 - (a) refuses an application for permission under this section, or
 - (b) revokes any such permission,he must at the same time give reasons for the refusal or revocation. 35
- (8) The right conferred on a representative of the Commission by subsection (5) is subject to any enactment which regulates attendance at the proceedings in question. 40
- (9) In this section, “representative of the Commission” means any of the following—
 - (a) a member of the Commission;
 - (b) a member of staff of the Commission;

- (c) a person appointed by the Commission for the purposes of this section.
- (10) A reference to the relevant counting officer must be construed –
- (a) if the area to which the proceedings relates is in Great Britain, in accordance with section 128(3); 5
 - (b) if the area to which the proceedings relates is Northern Ireland, as a reference to the Chief Electoral Officer for Northern Ireland.
- (11) The elections specified in this subsection are –
- (a) an election mentioned in section 5(2);
 - (b) a parliamentary by-election; 10
 - (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
 - (d) an election under section 8 of the Government of Wales Act 1998 (vacancies in constituency seats);
 - (e) a local government election in England or Wales; 15
 - (f) a local election in Northern Ireland.
- 6B Observation of working practices by representatives of Commission**
- (1) A representative of the Commission may apply for permission to observe the working practices of any person to whom this section applies. 20
- (2) The persons to whom this section applies are –
- (a) an electoral registration officer;
 - (b) a returning officer;
 - (c) a relevant counting officer;
 - (d) any person acting under the direction of a person mentioned in paragraphs (a) to (c). 25
- (3) An application under subsection (1) must be made to a person mentioned in paragraph (a), (b) or (c) of subsection (2) (the responsible officer) in respect of permission to observe working practices for which that person is responsible. 30
- (4) An application under subsection (1) must specify the times and places in relation to which permission to carry out observations is sought.
- (5) If the responsible officer grants the permission sought, the representative of the Commission may attend at the time and place mentioned in the application for the purpose of observing the working practices in question. 35
- (6) The responsible officer may at any time revoke a permission granted as mentioned in subsection (5).
- (7) If the responsible officer –
- (a) refuses an application for permission under this section, or
 - (b) revokes any such permission,
- he must at the same time give reasons for the refusal or revocation. 40
- (8) In this section –
- (a) “relevant counting officer”, and
 - (b) “representative of the Commission”, 45

must be construed in accordance with section 6A.

- (9) This section does not permit the observation of working practices which relate only to a local government election in Scotland.

6C Accredited observers: individuals

- (1) A person who is aged 16 or over may apply to the Commission to be an accredited observer at any of the following proceedings relating to an election specified in subsection (11) of section 6A or a referendum to which Part 7 applies – 5
- (a) proceedings at the issue or receipt of postal ballot papers;
 - (b) proceedings at the poll; 10
 - (c) proceedings at the counting of votes.
- (2) If the Commission grant the application, the accredited observer may apply –
- (a) in the case of an election, to the returning officer for the election, or 15
 - (b) in the case of a referendum, to the relevant counting officer, for permission to attend the proceedings in question.
- (3) An application under subsection (2) must specify –
- (a) the proceedings in respect of which permission is sought, and
 - (b) the place at which the proceedings are to be conducted. 20
- (4) If the returning officer or the relevant counting officer (as the case may be) grants the permission sought, the accredited observer may attend the proceedings in question at the place in question.
- (5) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6E. 25
- (6) The Commission may at any time revoke the grant of an application under subsection (1).
- (7) If the Commission –
- (a) refuse an application under subsection (1), or
 - (b) revoke the grant of any such application, 30
- they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (8) The returning officer or the relevant counting officer (as the case may be) may at any time revoke a permission granted as mentioned in subsection (4). 35
- (9) If the returning officer or the relevant counting officer –
- (a) refuses an application for permission under this section, or
 - (b) revokes any such permission,
- he must at the same time give reasons for the refusal or revocation.
- (10) The right conferred on an accredited observer by subsection (4) is subject to any enactment which regulates attendance at the proceedings in question. 40
- (11) “Relevant counting officer” must be construed in accordance with section 6A.

6D Accredited observers: organisations

- (1) An organisation may apply to the Commission to be accredited for the purpose of nominating observers at any of the following proceedings relating to an election specified in subsection (11) of section 6A or a referendum to which Part 7 applies – 5
- (a) proceedings at the issue or receipt of postal ballot papers;
 - (b) proceedings at the poll;
 - (c) proceedings at the counting of votes.
- (2) If the Commission grant the application, the accredited organisation may apply – 10
- (a) in the case of an election, to the returning officer for the election, or
 - (b) in the case of a referendum, to the relevant counting officer, for permission to nominate members of the organisation to be observers at the proceedings in question. 15
- (3) An application under subsection (2) must specify – 20
- (a) the proceedings in respect of which permission is sought,
 - (b) the place at which the proceedings are to be conducted, and
 - (c) the names of the members who are nominated and such other information relating to them as is specified in the code of practice issued under section 6E.
- (4) If the returning officer or the relevant counting officer (as the case may be) grants the permission sought, the members of the organisation nominated for the purposes of the application may attend the proceedings in question at the place in question. 25
- (5) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6E.
- (6) The Commission may at any time revoke the grant of an application under subsection (1).
- (7) If the Commission – 30
- (a) refuse an application under subsection (1), or
 - (b) revoke the grant of any such application,
- they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (8) The returning officer or the relevant counting officer (as the case may be) may at any time revoke a permission granted as mentioned in subsection (4). 35
- (9) If the returning officer or the relevant counting officer refuses an application for permission under this section, he must at the same time give reasons for the refusal or revocation to the accredited organisation. 40
- (10) If the returning officer or the relevant counting officer revokes any such permission, he must –
- (a) at the same time, give reasons for the revocation to the nominated member;
 - (b) as soon as practicable, give the reasons to the accredited organisation. 45

- (11) The right conferred by subsection (4) is subject to any enactment which regulates attendance at the proceedings in question.
- (12) “Relevant counting officer” must be construed in accordance with section 6A.
- 6E Code of practice on attendance of observers at elections etc.** 5
- (1) The Commission must prepare a code of practice on the attendance of—
- (a) representatives of the Commission,
 - (b) accredited observers, and
 - (c) nominated members of accredited organisations, 10
- at elections specified in subsection (11) of section 6A and referendums to which Part 7 applies.
- (2) The code must in particular—
- (a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission; 15
 - (b) specify the criteria to be taken into account by the Commission in determining such applications;
 - (c) give guidance to returning officers and relevant counting officers as to the criteria to be taken into account by them in determining applications under sections 6A(1), 6B(1), 6C(2) and 6D(2); 20
 - (d) give guidance to returning officers and relevant counting officers as to the criteria to be taken into account by them in determining whether to revoke any permission under section 6A(6), 6B(6), 6C(8) or 6D(8); 25
 - (e) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A(5), 6B(5), 6C(4) and 6D(4).
- (3) The code may make different provision for different purposes. 30
- (4) Before preparing the code, the Commission must consult the Secretary of State.
- (5) The Commission must lay the code before each House of Parliament.
- (6) The Commission must publish the code (in such manner as the Commission may determine). 35
- (7) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C or 6D—
- (a) the Commission;
 - (b) representatives of the Commission;
 - (c) returning officers; 40
 - (d) relevant counting officers.
- (8) The Commission may at any time revise the code.
- (9) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.
- (10) In this section— 45

- (a) “accredited observer” must be construed in accordance with section 6C;
- (b) “accredited organisation” must be construed in accordance with section 6D, and “nominated member” must be construed accordingly; 5
- (c) “relevant counting officer” must be construed in accordance with section 6A;
- (d) “representative of the Commission” has the same meaning as in section 6A.”

Ballot papers 10

32 Ballot paper design

- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows.
- (2) In rule 19 (the ballot papers) –
 - (a) in paragraph (2), omit sub-paragraph (d); 15
 - (b) after paragraph (3) insert –
 - “(4) The Secretary of State may in regulations –
 - (a) prescribe a different form of ballot paper from that in the Appendix;
 - (b) amend or replace the directions as to printing the ballot paper in the Appendix; 20
 - (c) in consequence of anything done for the purposes of paragraph (a) or (b), amend or replace the Form of directions for the guidance of the voters in voting in the Appendix.” 25
- (3) In the Appendix of forms, in the Directions as to printing the ballot paper, after paragraph 2A insert –
 - “2B Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidates particulars and spaces where the vote is to be marked if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule.” 30

33 Replacement of counterfoils

- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows. 35
- (2) After rule 19 insert –
 - “*Corresponding number list*
 - 19A (1) The returning officer must prepare a list containing the numbers and other unique identifying marks of all of the ballot papers to be issued by him in pursuance of rule 24(1) or provided by him in pursuance of rule 29(1). 40

- (2) The list shall be in such form as the Secretary of State in regulations prescribes.”
- (3) In rule 29 (equipment of polling stations), in paragraph (3), after sub-paragraph (d) insert –
- “(e) a list consisting of that part of the list prepared under rule 19A which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station.” 5
- (4) In rule 43 (procedure on close of poll) – 10
- (a) in paragraph (1), after sub-paragraph (da) (inserted by section 14(3)(b)) insert –
- “(db) the lists prepared under rule 19A, including the parts which were completed in accordance with rule 37(1)(b) and (d) (together referred to in these rules as “the completed corresponding number lists”);” 15
- (b) in paragraph (1)(e) omit “the counterfoils of the used ballot papers and”;
- (c) in paragraph (2) for “counterfoils of the used ballot papers and” substitute “completed corresponding number lists or”. 20
- (5) In rule 54 (sealing up of ballot papers), for paragraph (2) substitute –
- “(2) The returning officer shall not open the sealed packets of –
- (a) tendered ballot papers,
- (b) the lists prepared under section 13E(8),
- (c) the completed corresponding number lists, 25
- (d) certificates as to employment on duty on the day of the poll, or
- (e) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of this Act) and lists of proxies.” 30
- (6) In rule 55 (delivery of documents), in paragraph (1) –
- (a) after sub-paragraph (c) insert –
- “(ca) the packets of the completed corresponding number lists;”
- (b) in sub-paragraph (d) omit “counterfoils and”. 35
- (7) In rule 56 (orders for production of documents) –
- (a) in paragraph (1)(b) for “counterfoils and” substitute “the completed corresponding number lists or of”;
- (b) in paragraph (2) for “counterfoils and” substitute “the completed corresponding number lists or of”; 40
- (c) in paragraph (3) for “counterfoils and” substitute “the completed corresponding number lists or of”;
- (d) for paragraph (7) substitute –
- “(7) The production from proper custody of –
- (a) a ballot paper purporting to have been used at any election, and 45

- (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,
shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or (3D) of this Act at the time of the election contained the same number as the number written as mentioned in subparagraph (b).”; 5
- (e) in paragraph (8) for “counterfoils and” substitute “the completed corresponding number lists or of”. 10
- (8) In rule 57 (retention and public inspection of documents), for paragraph (2) substitute –
- “(2) The documents mentioned in paragraphs (1) and (1A) except –
- (a) ballot papers, 15
- (b) the completed corresponding number lists,
- (c) certificates as to employment on duty on the day of the poll, shall be open to public inspection.”
- (9) In rule 60 (countermand or abandonment of poll on death of candidate), in paragraph (3)(b) for “counterfoils or” substitute “the completed corresponding number lists or of”. 20
- (10) In the Appendix of forms –
- (a) in the Form of Front of Ballot Paper omit “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”; 25
- (b) in the Form of Back of Ballot Paper omit “Note. – The number on the ballot paper is to correspond with that on the counterfoil”.

*Assistance for voters etc.***34 Translations etc. of certain documents**

In the 1983 Act, in Part 5, before section 200 (public notices and declarations) insert – 30

“199B Translations etc of certain documents

- (1) Subsection (2) below applies to any document which under or by virtue of this Act is required or authorised to be given to voters or displayed in any place for the purposes of a parliamentary or local government election. 35
- (2) The person who is required or authorised to give or display the document may also give or display or otherwise make available in such form as he thinks appropriate –
- (a) the document in Braille; 40
- (b) the document in such languages other than English as he thinks appropriate;
- (c) such graphical representations as he thinks appropriate of the information contained in the document.

- (3) Subsection (2) above does not apply to –
 - (a) the nomination paper;
 - (b) the ballot paper.
- (4) The returning officer at a parliamentary election or a local government election may cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper. 5
- (5) The sample copy mentioned in subsection (4) above –
 - (a) in the case of a parliamentary election or a local government election where only one candidate is to be elected, must have printed the words “VOTE FOR ONE CANDIDATE ONLY” both at the top and immediately below the list of candidates, 10
 - (b) in the case of a local government election where more than one candidate is to be elected, must have printed the words “VOTE FOR NO MORE THAN [*here insert the maximum number of candidates to be elected*] CANDIDATES” both at the top and immediately below the list of candidates, and 15
 - (c) in each case, below the second occurrence of those words may include a translation of those words into such other languages as the returning officer thinks appropriate.
- (6) The returning officer at a parliamentary election or a local government election must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted. 20
- (7) The sample copy mentioned in subsection (6) above must be clearly marked as a specimen provided only for the guidance of voters. 25
- (8) In the application of subsection (2)(b) to Northern Ireland any question as to whether a person is to give or display or otherwise make available a document in a language other than English is to be decided by the returning officer.
- (9) This section does not apply to a local government election in Scotland.” 30

35 Assistance for certain postal voters

In Schedule 1 to the 1983 Act, for rule 24 (postal ballot papers) substitute –

- “24 (1) The returning officer shall, in accordance with regulations, issue to those entitled to vote by post –
- (a) a ballot paper; 35
 - (b) in England and Wales or Scotland, a postal voting statement in the prescribed form;
 - (c) in Northern Ireland, a declaration of identity in the prescribed form;
- together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed. 40
- (2) The returning officer may also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain –
- (a) translations into languages other than English of any directions to or guidance for voters sent with the ballot paper; 45
 - (b) a translation into Braille of such directions or guidance;

- (c) graphical representations of such directions or guidance.
- (3) The prescribed form shall include provision for the form to be signed.”

Circumstances in which votes may be tendered

- 36 Tendered votes in certain circumstances** 5
- (1) In Schedule 1 to the 1983 Act, in rule 40 (tendered ballot papers), after paragraph (1) insert –
- “(1ZA) Paragraph (1ZC) applies if –
- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register, 10
- (b) he is also named in the postal voters list, and
- (c) he claims that he did not make an application to vote by post at the election.
- (1ZB) Paragraph (1ZC) also applies if –
- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies, 15
- (b) he is also named in the proxy postal voters list, and
- (c) he claims that he did not make an application to vote by post as proxy.
- (1ZC) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.” 20
- (2) After paragraph (1ZC) of that rule (inserted by subsection (1) above) insert – 25
- “(1ZD) Paragraph (1ZE) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be –
- (a) a particular elector named on the register and who is also named in the postal voters list, or 30
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list, and claims that he has lost or has not received his postal ballot paper.
- (1ZE) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.” 35
- (3) In section 61 of that Act (certain voting offences), after subsection (6) insert –
- “(6A) A person is not guilty of an offence under subsection (2)(b) or (3)(b) above only by reason of his having marked a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.” 40

- (4) In section 5 of the Representation of the People Act 1985 (c. 50) (absent voting in Northern Ireland) after subsection (5A) insert –
- “(5B) Subsection (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.” 5
- (5) In section 9 of that Act (voting as proxy in Northern Ireland) after subsection (11) insert –
- “(11A) Subsection (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.” 10
- (6) In Schedule 4 to the Representation of the People Act 2000 (c. 2) (absent voting in Great Britain) –
- (a) in paragraph 2 (manner of voting at parliamentary or local government elections) after sub-paragraph (6) insert –
- “(6A) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.”; 15
- (b) in paragraph 7 (voting as proxy) after sub-paragraph (9) insert –
- “(10) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 40(1ZC) or (1ZE) of the parliamentary elections rules.” 20

Offences related to voting

37 Undue influence 25

- (1) In section 115 of the 1983 Act (offence of undue influence), in subsection (2)(b) –
- (a) after “prevents” insert “, or intends to impede or prevent,”;
- (b) after “prevails upon” insert “, or intends so to compel, induce or prevail upon,”. 30
- (2) This section does not have effect in relation to a local government election in Scotland.

38 Offences relating to applications for postal and proxy votes

After section 62 of the 1983 Act (offences as to declarations) insert –

“62A Offences relating to applications for postal and proxy votes 35

- (1) A person commits an offence if he –
- (a) engages in an act specified in subsection (2) at a parliamentary or local government election, and
- (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property. 40

- (2) These are the acts –
- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
 - (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote; 5
 - (c) inducing the registration officer or returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote; 10
 - (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.
- (3) In subsection (1)(b), property includes any description of property.
- (4) In subsection (2) a reference to a postal vote or a postal ballot paper includes a reference to a postal proxy vote or a postal proxy ballot paper (as the case may be). 15
- (5) A person who commits an offence under subsection (1) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice. 20
- (6) This section does not apply to anything done at a local government election in Scotland.”

Access to election documents

39 Control of documents after parliamentary election

- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended in accordance with subsections (2) to (7). 25
- (2) In the heading to rule 55 (delivery of documents after poll) for “Clerk of the Crown” substitute “registration officer”.
- (3) In that rule –
- (a) in paragraph (1) for “Clerk of the Crown” substitute “relevant registration officer”; 30
 - (b) after paragraph (1) insert –
 - “(1A) In this rule and in rules 56 and 57 references to the relevant registration officer are to –
 - (a) the registration officer of the local authority in whose area the constituency is situated, or 35
 - (b) if the constituency comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered.”; 40
 - (c) omit paragraphs (2) to (4).
- (4) In rule 56 (orders for production of documents) –

-
- (a) in each of paragraphs (1), (6) and (8) for “Clerk of the Crown” substitute “relevant registration officer”;
- (b) in paragraph (2) for “Clerk of the Crown’s” substitute “relevant registration officer’s”;
- (5) In rule 57 (retention and public inspection of documents) – 5
- (a) in paragraph (1) for “Clerk of the Crown” substitute “relevant registration officer”;
- (b) for paragraph (3) substitute –
- “(3) The relevant registration officer or the Chief Electoral Officer for Northern Ireland (as the case may be) must, on request, supply to any person copies of or extracts from such description of the documents open to public inspection as is prescribed by regulations.”; 10
- (c) after paragraph (3) insert –
- “(4) Each of the following must, on request, be supplied with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list – 15
- (a) a registered party within the meaning of Part 2 of the Political Parties, Elections and Referendums Act 2000;
- (b) a person who was a candidate at the election in relation to the constituency for which he was a candidate. 20
- (5) Regulations may impose conditions in relation to –
- (a) the inspection of any document in pursuance of paragraph (2); 25
- (b) the supply of any document or part of a document in pursuance of paragraph (3);
- (c) the supply of any document or part of a document in pursuance of paragraph (4).
- (6) Regulations may also make provision – 30
- (a) as to the form in which any such document or part is supplied;
- (b) for the payment of a fee in respect of the supply of a document or part.
- (7) Conditions which may be imposed for the purposes of paragraph (5)(a) or (b) include conditions as to – 35
- (a) whether a person may take any copy of a document he is permitted to inspect;
- (b) the manner in which any such copy is to be taken; 40
- (c) the purposes for which information contained in any document or part of a document which is inspected or supplied in pursuance of paragraph (2) or (3) may be used.
- (8) Conditions which may be imposed for the purposes of paragraph (5)(b) or (c) include conditions as to the extent to which a person to whom a document or part of a document has been supplied may – 45
- (a) supply that document or part to any other person;

- (b) disclose to any other person any information contained in the document or part;
- (c) use any such information for a purpose other than that for which the document or part was supplied to him. 5
- (9) Regulations may also impose conditions corresponding to those mentioned in paragraph (8) in respect of persons who have obtained a document or part of a document mentioned in paragraph (4) –
- (a) which was supplied to another person in pursuance of paragraph (4), or 10
- (b) otherwise than in accordance with regulations under this section.”
- (6) For rule 58 (documents in Scotland) substitute –
- “58 (1) In the application of rules 55 to 57 to elections in Scotland, the references to the relevant registration officer shall be taken to be references to the relevant sheriff clerk. 15
- (2) For the purposes of rule 55 as it applies to elections in Scotland –
- (a) the documents to be forwarded in accordance with that rule may be forwarded by being – 20
- (i) delivered to the relevant sheriff clerk by the returning officer or his agent, or
- (ii) sent to the relevant sheriff clerk by recorded delivery post,
- (b) on forwarding the documents, the returning officer must deliver or send to the relevant sheriff clerk along with the documents a letter specifying the number and descriptions of the documents forwarded, and 25
- (c) where the documents are forwarded by delivery under subparagraph (a)(i) above, the relevant sheriff clerk must, on receipt of the documents, provide the person delivering them with a signed receipt showing the date and time of receipt. 30
- (3) In this rule, “relevant sheriff clerk” means –
- (a) the sheriff clerk of the sheriff court district in which the constituency is situated, or 35
- (b) if the constituency comprises any part of the area of more than one sheriff court district, the sheriff clerk of such one of those districts as the Secretary of State may by order appoint.”
- (7) For rule 59 (documents in Northern Ireland) substitute – 40
- “59 In the application of rules 55 to 57 to elections for a constituency in Northern Ireland, the references to the relevant registration officer shall be taken to be references to the Clerk of the Crown for Northern Ireland.”
- (8) In section 63 of that Act (breach of official duty), in subsection (3)(c) after “responsible after a” insert “parliamentary or”. 45

(9) After section 66A of that Act (prohibition on publication of exit polls) insert—

“66B Failure to comply with conditions relating to supply etc. of certain documents

- (1) A person is guilty of an offence—
- (a) if he fails to comply with any conditions imposed in pursuance of regulations under rule 57 of the parliamentary elections rules, or 5
 - (b) if he is an appropriate supervisor of a person (P) who fails to comply with such a condition and he failed to take appropriate steps. 10
- (2) P is not guilty of an offence under subsection (1) if—
- (a) he has an appropriate supervisor, and
 - (b) he has complied with all the requirements imposed on him by his appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under subsection (1) if he takes all reasonable steps to ensure that he complies with the conditions. 15
- (4) In subsections (1)(b) and (2)—
- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is; 20
 - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions. 25
- (5) A person guilty of an offence as mentioned in subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

40 Access to other election documents 30

- (1) The relevant officer must—
- (a) make relevant election documents available for inspection by members of the public;
 - (b) supply, on request, copies of or extracts from such description of relevant election documents as is prescribed by regulations. 35
- (2) In the case of an election other than a parliamentary election, a local government election in Scotland or a local election in Northern Ireland, each of the following must, on request, be supplied with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list— 40
- (a) a registered party;
 - (b) a person who was a candidate at the election in relation to the electoral area for which he was a candidate;
 - (c) in the case of an election at which a registered party submits a list of candidates, a person who was appointed as an agent for the candidates on the party’s list. 45

-
- (3) The Secretary of State may by regulations impose conditions in relation to –
- (a) the inspection of any document in pursuance of subsection (1)(a);
 - (b) the supply of any document or part of a document in pursuance of subsection (1)(b);
 - (c) the supply of any document or part of a document in pursuance of subsection (2). 5
- (4) Regulations may also make provision –
- (a) as to the form in which any such document or part is supplied;
 - (b) for the payment of a fee in respect of the supply of a document or part.
- (5) Conditions which may be imposed for the purposes of subsection (3)(a) or (b) include conditions as to – 10
- (a) whether a person may take any copy of a document he is permitted to inspect;
 - (b) the manner in which any such copy is to be taken;
 - (c) the purposes for which information contained in any document or part of a document which is inspected or supplied in pursuance of subsection (1) may be used. 15
- (6) Conditions which may be imposed for the purposes of subsection (3)(b) or (c) include conditions as to the extent to which a person to whom a document or part of a document has been supplied may – 20
- (a) supply that document or part to any other person;
 - (b) disclose to any other person any information contained in the document or part;
 - (c) use any such information for a purpose other than that for which the document or part was supplied to him. 25
- (7) Regulations may also impose conditions corresponding to those mentioned in subsection (6) in respect of persons who have obtained a document or part of a document mentioned in subsection (2) –
- (a) which was supplied to another person in pursuance of subsection (2), or
 - (b) otherwise than in accordance with regulations under this section. 30
- (8) The power to make regulations under this section –
- (a) is exercisable by the Secretary of State by statutory instrument;
 - (b) includes power to make different provision for different purposes.
- (9) The Secretary of State must not make regulations under this section unless he first consults the Electoral Commission. 35
- (10) No regulations may be made under this section unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, each House of Parliament.
- 41 Access to other election documents: contravention of regulations 40**
- (1) A person is guilty of an offence –
- (a) if he fails to comply with any conditions imposed in pursuance of regulations under section 40, or
 - (b) if he is an appropriate supervisor of a person (P) who fails to comply with such a condition and he failed to take appropriate steps. 45

-
- (2) P is not guilty of an offence under subsection (1) if –
- (a) he has an appropriate supervisor, and
 - (b) he has complied with all the requirements imposed on him by his appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under subsection (1) if he takes all reasonable steps to ensure that he complies with the conditions. 5
- (4) In subsections (1)(b) and (2) –
- (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is; 10
 - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions. 15
- (5) A person guilty of an offence as mentioned in subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

42 Access to other election documents: supplementary

- (1) This section applies for the purposes of section 40.
- (2) The relevant officer is – 20
- (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 25
 - (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 – 30
- (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. 35
- (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 – 40
- (a) ballot papers;
 - (b) completed corresponding number lists;
 - (c) certificates as to employment on the day of the election;
 - (d) the list kept under section 13E(8) of the 1983 Act (personal identifier information).

- (6) A party is a registered party if it is registered for the purposes of Part 2 of the 2000 Act.
- (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; 5
 - (b) in relation to an election to the National Assembly for Wales, an Assembly constituency or an Assembly electoral region within the meaning of section 2(2) of the Government of Wales Act 1998 (c. 38) (Assembly constituencies and Assembly 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); 10
 - (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); 15
 - (e) in relation to an election to the European Parliament, an electoral region within the meaning of section 1 of the European Parliamentary Elections Act 2002 (c. 24) (electoral regions and number of MEPs).
- (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. 20
- (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. 25
- (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. 30
- (12) Expressions used in this section or section 40 or 41 and in the 1983 Act must (unless the context otherwise requires) be construed in accordance with that Act.
- 43 Marked postal voters list 35**
- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended as follows.
- (2) After rule 31 (notification of requirement of secrecy) insert –
- “Return of postal ballot papers*
- 31A (1) Where – 40
- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list, or
 - (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,
- the returning officer must mark the list in the prescribed manner. 45

- (2) For the purposes of paragraph (1) above, regulations may prescribe the circumstances in which a postal vote or a proxy postal vote (as the case may be) is or is not to be treated as having been returned.
- (3) Rule 45(1B) and (2) below does not apply for the purpose of determining whether, for the purposes of this rule, a postal vote or a proxy postal vote is returned.” 5
- (3) In rule 55 (delivery of documents after poll) –
- (a) in paragraph (1)(e) for “of lists of proxies” substitute “of the postal voters list, of lists of proxies and of the proxy postal voters list”;
- (b) after paragraph (1)(e) insert – 10
- “(f) such other documents relating to elections as are prescribed.”.

Correction of procedural errors

44 Returning officers: correction of procedural errors

- (1) A returning officer for an election to which this section applies may take such steps as he thinks appropriate to remedy any act or omission on his part, or on the part of a relevant person, which – 15
- (a) arises in connection with any function the returning officer or relevant person has in relation to the election, and
- (b) is not in accordance with the rules or any other requirements applicable to the election. 20
- (2) But a returning officer may not under subsection (1) re-count the votes given at an election after the result has been declared.
- (3) This section applies to –
- (a) a parliamentary election; 25
- (b) a local government election in England and Wales (within the meaning of the 1983 Act).
- (4) These are the relevant persons –
- (a) an electoral registration officer;
- (b) a presiding officer; 30
- (c) a person providing goods or services to the returning officer;
- (d) a deputy of any person mentioned in paragraph (a) to (c) or a person appointed to assist or in the course of his employment assisting such a person in connection with any function he has in relation to the election. 35
- (5) Subsections (1) to (4) must be construed as part of the Representation of the People Acts.
- (6) In section 63 of the 1983 Act (breach of official duty), after subsection (3) insert –
- “(4) Where – 40
- (a) a returning officer for an election to which section 44 of the Electoral Administration Act 2006 applies is guilty of an act or omission in breach of his official duty, but

- (b) he remedies that act or omission in full by taking steps under subsection (1) of that section,
he shall not be guilty of an offence under subsection (1) above.
- (5) Subsection (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.” 5

Miscellaneous amendments

45 Miscellaneous amendments of the 1983 Act

Part 5 of Schedule 1 (which contains miscellaneous amendments of the 1983 Act relating to the conduct of elections) has effect. 10

PART 7

REGULATION OF PARTIES

Registration of parties

46 Registered names of parties

In section 28 of the 2000 Act (registration of parties), after subsection (4)(d) insert— 15

- “(da) would be likely, were it to appear on a ballot paper issued at an election—
- (i) to result in an elector being misled as to the effect of his vote, or 20
- (ii) to contradict, or hinder an elector’s understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere.”.

47 Political party descriptions

(1) In the 2000 Act after section 28 (registration of parties) insert— 25

“28A Descriptions

- (1) A party’s application under section 28 may include a request for the registration of up to five descriptions to be used on nomination papers or ballot papers.
- (2) Where a request is made by a party under this section in relation to a description, the Commission shall register the description as a description of the party unless it is of more than six words in length or in their opinion it— 30
- (a) would be the same as the name of a party or the registered description of a party which (in either case) is already registered in the register in which that party is applying to be registered, 35
- (b) would be likely to result in electors confusing that party with another party which is registered in respect of the relevant part of the United Kingdom,
- (c) is obscene or offensive, 40

- (d) is of such a character that its publication would be likely to amount to the commission of an offence,
 - (e) would be likely, were it to appear on a ballot paper issued at an election—
 - (i) to result in an elector being misled as to the effect of his vote, or 5
 - (ii) to contradict, or hinder an elector’s understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,
 - (f) includes any script other than Roman script, or 10
 - (g) includes a word or expression prohibited by order made by the Secretary of State.
- (3) In subsection (2)(b) “already registered in respect of the relevant part of the United Kingdom” has the meaning given by section 28(5).
- (4) An order under subsection (2)(g) may except the use of a word or expression from the prohibition in specified circumstances. 15
- (5) In the application of subsection (2) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is applying to be registered, for “it is of more than six words in length” substitute “its length exceeds six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language”. 20
- (6) The Secretary of State may, by order, substitute for the number “five” in subsection (1) such other number as he thinks appropriate.
- (7) An order under subsection (2)(g) or (6) must not be made unless the Secretary of State first consults the Commission. 25

28B Joint descriptions

- (1) Two or more parties which are registered under section 28 above in the same register may apply to the Commission to register a description for use by a candidate standing in the name of both or all of the parties jointly. 30
- (2) Subsections (2) to (5) of section 28A apply to an application under this section as they apply to an application under that section.
- (3) Subsections (1)(bb), (4A) to (4D) and (6A) of section 30 apply to a description mentioned in subsection (1) above as they apply to a description to which section 28A applies and for the purposes of such application— 35
- (a) any reference to a party in section 30 (except in relation to an application to remove a description under subsection (1)(bb) of that section) must be construed as a reference to the parties mentioned in subsection (1) above acting jointly, 40
 - (b) section 30(4A)(a) must be taken to read “the parties already have a description registered in pursuance of section 28B above”, and
 - (c) the requirement in paragraph 9 of Schedule 4 for an application under section 30 to be signed by the responsible officer of a party must be taken to be a requirement for the application to 45

- be signed by a responsible officer of each party which joins in the application.”
- (2) In section 22 of that Act (parties to be registered in order to field candidates at elections), in subsection (3)(a)(i) for ““Independent”” substitute “not a description registered in pursuance of section 28A, 28B or 30(1)(bb)”. 5
- (3) In section 30 of that Act (changes to the register) –
- (a) in subsection (1), after paragraph (ba) insert –
““(bb) the addition, alteration, substitution or removal of a description,”; 10
- (b) in subsection (2) for “(6)” substitute “(6A)”;
- (c) in subsection (4) after paragraph (a) insert “or
“(aa) such confusion in relation to a registered description of the party as is mentioned in paragraph (b) of section 28A(2),”; 15
- (d) after subsection (4) insert – 15
- “(4A) The Commission shall refuse an application to add a description if –
- (a) the party already has five descriptions (or such other maximum number of descriptions as is substituted by order under section 28A(6)), 20
- (b) the length of the description exceeds six words, or
- (c) in the Commission’s opinion, any of paragraphs (a) to (g) of section 28A(2) apply to the description.
- (4B) The Commission shall refuse an application to alter a description if the effect of the alteration – 25
- (a) is that the length of the description as altered will exceed six words, or
- (b) in their opinion, is that any of paragraphs (a) to (g) of section 28A(2) will apply to the description as altered.
- (4C) The Commission shall refuse to substitute a description if – 30
- (a) the length of the new description will exceed six words, or
- (b) in their opinion any of paragraphs (a) to (g) of section 28A(2) apply to the new description.
- (4D) In the application of subsection (4A)(b), (4B)(a) or (4C)(a) above to a party which has made a declaration falling within section 28(2) which specifies Wales as a part of Great Britain in respect of which it is registered, for “six words” substitute “six words in either English or Welsh or, if the description is also expressed in the other of those languages, six words in that other language.”; 35 40
- (e) after subsection (6) insert –
- “(6A) If an application under this section for the substitution or removal of a description is granted at any time between – 45
- (a) the date of publication of the notice of election at an election in which there are one or more candidates standing in the name of the party, and
- (b) the poll at the election,

- the change does not take effect until the day following the poll.”
- (f) in subsection (7), after “subsection (3)” insert “(4A), (4B), (4C),”;
 - (g) in subsection (7), after paragraph (a) insert “or
 - (aa) section 28A(2)(a) and section 28(5) as it applies by virtue of section 28A(3), or 5
 - (ab) section 28A(2)(a) as it applies by virtue of section 28B(2),”.
- (4) In Schedule 1 to the 1983 Act (parliamentary elections rules) in rule 6A, after paragraph (1) insert –
- “(1A) In paragraph (1) above an authorised description may be either – 10
 - (a) the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000, or
 - (b) a description of the party registered under section 28A of that Act.
 - (1B) A nomination paper may not include a description of a candidate 15 which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the constituency and the description is a registered description authorised by a certificate –
 - (a) issued by or on behalf of the registered nominating officer of 20 each of the parties, and
 - (b) received by the returning officer at some time during the period for delivery of nomination papers set out in the Table in rule 1.
 - (1C) For the purposes of paragraph (1B), a description is a registered 25 description if it is a description registered for use by the parties under section 28B of the Political Parties, Elections and Referendums Act 2000.”

48 Confirmation of registered particulars

- (1) Section 32 of the 2000 Act (confirmation of registered particulars) is amended 30 as follows.
- (2) In subsection (1), for the words from “at the time when” to “Part III” substitute “within the specified period”.
- (3) After that subsection insert –
 - “(1A) In subsection (1), “the specified period” means the period – 35
 - (a) beginning on the first day of the period within which the statement of accounts for any financial year of the party is required to be delivered to the Commission by virtue of section 45, and
 - (b) ending six months after the last day of that period.” 40

49 Removal from register of registered parties

- (1) Section 33 of the 2000 Act (party ceasing to be registered) is amended as follows.
- (2) In subsection (1) after “subsection (2)” insert “or (2A)”.

- (3) After subsection (2) insert—
- “(2A) Where the Commission does not receive a notification required by virtue of section 32(1) or 34(3) on or before the specified day, the Commission shall remove the party’s entry from the register.
- (2B) In subsection (2A) “the specified day” means— 5
- (a) in relation to a notification required by virtue of section 32(1), the last day of the specified period for the purposes of that subsection;
- (b) in relation to a notification required by virtue of section 34(3), the day which falls six months after the relevant anniversary of the party’s inclusion in the register. 10
- (2C) In subsection (2B)(b), “relevant anniversary” means the anniversary in relation to which the notification is required to be given by virtue of section 34(3).”
- (4) In subsection (3) for “the party’s entry from the register” substitute “a party’s entry from the register by virtue of subsection (2) or (2A)”. 15
- (5) In subsection (4) for the words from “the end” to the first reference to “the register” substitute “the relevant time”.
- (6) After subsection (4) insert—
- “(4A) In subsection (4), “the relevant time” means— 20
- (a) if—
- (i) the party’s entry is removed by virtue of subsection (2), and
- (ii) its gross income or total expenditure in its financial year preceding the year in which the entry is removed is £25,000 or more, 25
- the end of the financial year of the party which follows that in which the entry is removed;
- (b) otherwise, the end of the financial year of the party in which the entry is removed.” 30
- (7) In subsection (5) for “under this section” substitute “under subsection (2)”.

50 Time for registration of parties fielding candidates

- (1) In Schedule 1 to the 1983 Act, rule 6A (nomination papers: name of registered political party) is amended in accordance with subsections (2) and (3).
- (2) In paragraph (3)— 35
- (a) in sub-paragraph (a), for the words from “at the time” to the end substitute “on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at the election;”;
- (b) in sub-paragraph (b), for “at the relevant time” (in both places) substitute “on the relevant day”. 40
- (3) After paragraph (3) insert—
- “(4) For the purposes of paragraph (3)(a) any day falling within rule 2(1) shall be disregarded.”

- (4) Section 22 of the 2000 Act (parties to be registered in order to field candidates at elections) is amended in accordance with subsections (5) and (6).
- (5) In subsection (2) –
- (a) in paragraph (a), for “on the last day for publication of notice of the election” substitute “on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election”; 5
 - (b) in paragraph (b), for “on that day” substitute “on the relevant day”.
- (6) After that subsection insert –
- “(2A) For the purposes of subsection (2) any day falling within rule 2(1) of the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 shall be disregarded.” 10

Accounting requirements

51 Requirements as to statements of account

- (1) Section 42 of the 2000 Act (annual statement of accounts) is amended as follows. 15
- (2) In subsection (4) for paragraph (a) substitute –
- “(a) according to which of the following bands the gross income or total expenditure of a party falls within – 20
 - (i) not exceeding £25,000;
 - (ii) exceeding £25,000 but not £100,000;
 - (iii) exceeding £100,000 but not £250,000;
 - (iv) exceeding £250,000;”.
- (3) After that subsection insert –
- “(4A) The Secretary of State may by order amend subsection (4)(a) by varying the number of bands set out in it. 25
- (4B) The Secretary of State may not make an order under subsection (4A) except to give effect to a recommendation of the Commission.”
- (4) The amendments made by this section have effect in relation to any financial year of a registered party which ends after the coming into force of this section. 30

52 Time for delivery of unaudited accounts to Electoral Commission

In section 45 of the 2000 Act (delivery of statement of accounts etc. to Commission), in subsection (1) for “3 months” substitute “4 months”.

Control of donations

53 Policy development grants to be donations

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In section 52 of the 2000 Act (payments, services etc. not to be regarded as donations), in subsection (1) omit paragraph (a).

54 Exemption from requirement to prepare quarterly donation reports

- (1) After section 62 of the 2000 Act (quarterly donation reports) insert –

“62A Exemption from requirement to prepare quarterly reports

- (1) This section applies if each of four consecutive donation reports prepared by the treasurer of a registered party in pursuance of subsection (1) of section 62 contains – 5
- (a) in the case of a party without accounting units, a statement under subsection (10) of that section, or
 - (b) in the case of a party with accounting units, statements under subsection (10) of that section in relation to the central organisation of the party and each of its accounting units. 10
- (2) The treasurer is not required to prepare any further donation reports in pursuance of subsection (1) of that section until a recordable donation – 15
- (a) is accepted by the registered party, or
 - (b) is dealt with by the registered party in accordance with section 56(2).
- (3) A recordable donation is a donation which is required to be recorded by virtue of any of subsections (4) to (9) of section 62 (including those subsections as applied by subsection (11) of that section). 20
- (4) If a recordable donation is accepted or (as the case may be) dealt with in accordance with section 56(2), nothing in this section affects the operation of section 62 in relation to – 25
- (a) the reporting period in which the recordable donation is so accepted or dealt with, or
 - (b) any subsequent reporting period which falls before the time (if any) when this section again applies in relation to the party.
- (5) In this section, “donation report” and “reporting period” have the same meaning as in section 62.”
- (2) Section 62A of the 2000 Act (as inserted by subsection (1) above) applies only if the last of the reports mentioned in subsection (1) of that section relates to a period which falls wholly or partly after the commencement of this section (but it is immaterial whether any of the other reports relate to such a period). 30

55 Repeal of section 68 of the 2000 Act

Section 68 of the 2000 Act (reporting of multiple small donations) is omitted. 35

56 Register of donations to include details of nature of donation

In section 69 of the 2000 Act (register of recordable donations), in subsection (2), after paragraph (a) insert –

- “(aa) whether the donation is in the form of sponsorship (within the meaning of section 51);” 40

57 Northern Ireland: disapplication of Part 4 of the 2000 Act

Any reference in the Political Parties, Elections and Referendums Act 2000 (Disapplication of Part 4 for Northern Ireland Parties, etc) Order 2005 (S.I. 2005/299) to a provision of the 2000 Act which is amended by sections 53 to 56 must be construed as a reference to that provision as so amended.

5

Campaign expenditure

58 Campaign expenditure: standing for more than one party

(1) Schedule 9 to the 2000 Act (limits on campaign expenditure) is amended as follows.

(2) In paragraph 5 (general elections to Scottish Parliament) after sub-paragraph (2) insert –

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“(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).”

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(3) In paragraph 6 (ordinary elections to National Assembly for Wales) after sub-paragraph (2) insert –

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“(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).”

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(4) In paragraph 7 (general elections to Northern Ireland Assembly) after sub-paragraph (2) insert –

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“(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).”

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59 Time limit for claims in respect of campaign expenditure

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(1) In section 77 of the 2000 Act (restriction on making claims in respect of campaign expenditure) –

- (a) in subsection (1), for “21 days” substitute “30 days”;
 - (b) in subsection (2), for “42 days” substitute “60 days”.
- (2) In section 92 of that Act (restriction on making claims in respect of certain expenditure by third parties) –
- (a) in subsection (1), for “21 days” substitute “30 days”; 5
 - (b) in subsection (2), for “42 days” substitute “60 days”.
- (3) In section 115 of that Act (restriction on making claims in respect of referendum expenditure) –
- (a) in subsection (1), for “21 days” substitute “30 days”;
 - (b) in subsection (2), for “42 days” substitute “60 days”. 10

Referendum and election material

60 Details to appear on referendum and election material

- (1) In section 126 of the 2000 Act (details to appear on referendum material), after subsection (10) insert –
- “(10A) Subsection (1) does not apply to any material published for the purposes of a referendum if the publication is required under or by virtue of any enactment.” 15
- (2) In section 143 of the 2000 Act (details to appear on election material), after subsection (2) insert –
- “(2A) For the purposes of subsection (2)(c), election material – 20
- (a) is not to be regarded as being published on behalf of a candidate on a party list merely because the material can be reasonably regarded as promoting, procuring or enhancing the candidate’s electoral success or standing, but
 - (b) may be regarded as being published on behalf of the party. 25
- (2B) For the purposes of subsection (2A), a candidate is on a party list if he is included on –
- (a) a list submitted under section 5(1) of the Government of Wales Act 1998 (party lists);
 - (b) a regional list submitted under section 5(4) of the Scotland Act 1998 (candidates); 30
 - (c) a list submitted under paragraph 5(1) of Schedule 2 to the Greater London Authority Act 1999 (party lists);
 - (d) such a list as is mentioned in section 2(2)(b) of the European Parliamentary Elections Act 2002 (voting system in Great Britain: list of candidates).” 35

PART 8

MISCELLANEOUS

Funding for election services

61 Performance of local authorities in relation to elections etc.

- After section 9 of the 2000 Act insert – 5
- “9A Setting of performance standards**
- (1) The Commission may from time to time –
- (a) determine standards of performance for relevant officers, and
 - (b) publish, in such form and in such manner as they consider appropriate, the standards so determined. 10
- (2) The standards of performance are such standards as the Commission think ought to be achieved by –
- (a) electoral registration officers in the performance of their functions;
 - (b) returning officers in the administration of the elections specified in subsection (6); 15
 - (c) counting officers in the administration of the referendums specified in subsection (7).
- (3) Before determining standards under subsection (1), the Commission must consult – 20
- (a) the Secretary of State, and
 - (b) any other person they think appropriate.
- (4) The Commission may determine different standards for different descriptions of relevant officers.
- (5) When the Commission publish standards under subsection (1) they must send a copy of the published standards to the Secretary of State who must lay a copy of the published standards before each House of Parliament. 25
- (6) The elections specified in this subsection are – 30
- (a) an election mentioned in section 5(2);
 - (b) a parliamentary by-election;
 - (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
 - (d) an election under section 8 of the Government of Wales Act 1998 (vacancies in constituency seats); 35
 - (e) a local government election in England or Wales.
- (7) The referendums specified in this subsection are –
- (a) a referendum to which Part 7 applies;
 - (b) a referendum under Part 2 of the Local Government Act 2000.
- (8) For the purposes of this section and sections 9B and 9C, the relevant officers are – 40
- (a) electoral registration officers;

- (b) in relation to elections within subsection (6), returning officers;
- (c) in relation to referendums within subsection (7), counting officers.

9B Returns and reports on performance standards

- (1) The Commission may from time to time issue directions to relevant officers to provide the Commission with such reports regarding their level of performance against the standards determined under section 9A(1) as may be specified in the direction. 5
- (2) A direction under subsection (1) –
 - (a) must specify the relevant officer or officers to whom it is issued (and may specify a description or descriptions of relevant officers), 10
 - (b) may require the report or reports to relate to such elections or referendums (or both) as may be specified in the direction, and
 - (c) may require the report or reports to be provided in a form specified in the direction. 15
- (3) A report provided to the Commission in pursuance of subsection (1) may be published by the relevant officer to whom it relates.
- (4) The Commission shall from time to time prepare and publish (in such manner as the Commission may determine) assessments of the level of performance by relevant officers against the standards determined under section 9A(1). 20
- (5) An assessment under subsection (4) –
 - (a) must specify the relevant officer or officers to whom it relates;
 - (b) must specify the period to which it relates; 25
 - (c) may specify the elections or referendums (or both) to which it relates.
- (6) The Commission must not prepare an assessment under subsection (4) unless they have received reports in pursuance of subsection (1) from the relevant officer or officers for the matters to which the assessment relates. 30
- (7) Before publishing an assessment under subsection (4), the Commission shall –
 - (a) provide to each relevant officer a copy of those parts of the assessment which relate to him; 35
 - (b) have regard to any comments made by him regarding the factual accuracy of the assessment.

9C Provision of information about expenditure on elections etc.

- (1) The Commission may by notice in writing direct a relevant officer to provide the Commission with such expenditure information as may be specified in the direction. 40
- (2) Expenditure information is information relating to –
 - (a) in the case of an electoral registration officer, expenditure in connection with the performance of his functions;

- (b) in the case of a returning officer, expenditure in connection with the election or elections specified in section 9A(6) for which he is appointed or otherwise holds office;
 - (c) in the case of a counting officer, expenditure in connection with the referendum or referendums specified in section 9A(7) for which he is appointed. 5
- (3) A direction under subsection (1) –
 - (a) may require the information to relate to such elections or (as the case may be) referendums as may be specified in the direction;
 - (b) may require the information to be provided in a form specified in the direction; 10
 - (c) may specify the time within which the information must be provided.
- (4) This section does not affect any other power of the Commission to request information.” 15

62 Funding of services and expenses of returning officers

- (1) Section 29 of the 1983 Act (payments by and to returning officer) is amended as follows.
- (2) For subsections (3) to (4B) substitute –
 - “(3) A returning officer shall be entitled to recover his charges in respect of services rendered, or expenses incurred, for or in connection with a parliamentary election if – 20
 - (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and 25
 - (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Secretary of State for the purposes of this subsection.
 - (3A) An order under subsection (3) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (3B) below, the returning officer may not recover more than that amount in respect of any such services or expenses. 30
 - (3B) The Secretary of State may, in a particular case, authorise the payment of – 35
 - (a) more than the overall maximum recoverable amount, or
 - (b) more than the specified maximum recoverable amount for any specified services or expenses,if he is satisfied that the conditions in subsection (3C) are met. 40
 - (3C) The conditions referred to in subsection (3B) are –
 - (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses, and
 - (b) that the charges in question are reasonable.”
- (3) In subsection (9), for “subsections (3) and (4)” substitute “subsection (3)”. 45

*Encouraging electoral participation***63 Encouraging electoral participation**

- (1) A local electoral officer may take such steps as he thinks appropriate to encourage the participation by electors in the electoral process in the area for which he acts. 5
- (2) A local electoral officer must have regard to any guidance issued by the Electoral Commission for the purposes of this section.
- (3) This section does not permit an electoral registration officer to undertake any activity in relation to a local government election in Scotland unless the activity relates to a matter falling within Section B3 (elections) of Schedule 5 to the Scotland Act 1998 (reserved matters). 10
- (4) *The Secretary of State may reimburse a local electoral officer in respect of any expenditure incurred by the officer for the purposes of this section.*
- (5) The amount paid under subsection (4) must not in any year exceed such amount as is determined in accordance with regulations made by the Secretary of State. 15
- (6) The power to make regulations under subsection (5) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The regulations may make different provision for different purposes. 20
- (8) A local electoral officer is—
(a) an electoral registration officer;
(b) a returning officer for an election mentioned in subsection (9).
- (9) These are the elections—
(a) parliamentary elections; 25
(b) local government elections in England and Wales and Northern Ireland;
(c) European Parliamentary elections;
(d) elections to the Scottish Parliament;
(e) elections to the Northern Ireland Assembly; 30
(f) elections to the National Assembly for Wales.
- (10) References to a local government election must be construed in accordance with the 1983 Act.

*Criminal proceedings***64 Time limit for prosecutions**

- (1) In section 176 of the 1983 Act (time limit for prosecution of offences) after subsection (2) insert—
“(2A) A magistrates’ court in England and Wales may act under subsection (2B) if it is satisfied on an application by a constable or Crown Prosecutor— 40

- (a) that there are exceptional circumstances which justify the granting of the application, and
 - (b) that there has been no undue delay in the investigation of the offence to which the application relates.
- (2B) The magistrates' court may extend the time within which proceedings must be commenced in pursuance of subsection (1) above to not more than 24 months after the offence was committed. 5
- (2C) If the magistrates' court acts under subsection (2B), it may also make an order under subsection (2D) if it is satisfied, on an application by a constable or Crown Prosecutor, that documents retained by the relevant registration officer in pursuance of rule 57 of the parliamentary elections rules may provide evidence relating to the offence. 10
- (2D) An order under this subsection is an order –
 - (a) directing the relevant registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 57, and 15
 - (b) extending the period for which he is required to retain them under that rule by such further period not exceeding 12 months as is specified in the order. 20
- (2E) The making of an order under subsection (2D) does not affect any other power to require the retention of the documents.
- (2F) An application under this section must be made not more than one year after the offence was committed.
- (2G) Any party to – 25
 - (a) an application under subsection (2A), or
 - (b) an application under subsection (2C),who is aggrieved by the refusal of the magistrates' court to act under subsection (2B) or to make an order under subsection (2D) (as the case may be) may appeal to the Crown Court.” 30
- (2) In Schedule 1 to that Act, in rule 57(1) (retention and public inspection of documents) for “or the High Court” substitute “, the High Court, the Crown Court or a magistrates' court”.

65 Restriction on powers of arrest by persons other than constables

Section 24A of the Police and Criminal Evidence Act 1984 (c. 60) (arrest without warrant: other persons) does not permit a person other than a constable to arrest a person who commits or is suspected of committing an offence under section 60 of the 1983 Act (personation) if the offence is committed or is suspected of being committed inside a polling station. 35

PART 9

40

GENERAL

66 Miscellaneous amendments and repeals

- (1) Part 6 of Schedule 1 contains miscellaneous amendments.

- (2) Schedule 2 contains repeals.

67 Financial provision

- (1) *There shall be paid out of money provided by Parliament –*
- (a) *any expenses incurred by the Secretary of State in consequence of this Act, and*
 - (b) *any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.* 5
- (2) *There shall be paid out of the Consolidated Fund any increase attributable to this Act in the sums which under any other Act are payable out of that Fund.*

68 Interpretation

- (1) “The 1983 Act” means the Representation of the People Act 1983 (c. 2). 10
- (2) “The 2000 Act” means the Political Parties, Elections and Referendums Act 2000 (c. 41).

69 Commencement

- (1) The following provisions come into force on the day on which this Act is passed – 15
- (a) section 1 (except subsections (2) and (5));
 - (b) section 2 (except subsections (2), (4) to (9) and (12));
 - (c) section 3;
 - (d) section 4;
 - (e) section 5 (except subsection (10)); 20
 - (f) section 6;
 - (g) section 8;
 - (h) section 15;
 - (i) section 67;
 - (j) section 68; 25
 - (k) this section;
 - (l) section 70;
 - (m) section 71.
- (2) Otherwise, this Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint. 30
- (3) Different days may be appointed for different purposes.
- (4) An order under subsection (2) may make –
- (a) any supplementary, incidental or consequential provision, and
 - (b) any transitory, transitional or saving provision,
- as the Secretary of State considers necessary or expedient in connection with the order. 35
- (5) An order under subsection (2) made for the purposes of section 13 (except subsection (5)) or section 14 (whether or not the order contains any other provision) must not be made unless a draft of the instrument containing the order is laid before and approved by a resolution of each House of Parliament. 40

70 Extent

- (1) Subject to subsections (2) to (5), the extent of any amendment or repeal made by this Act is the same as that of the enactment amended or repealed.
- (2) The following provisions do not extend to Northern Ireland –
 - (a) sections 9, 10 and 11; 5
 - (b) section 61;
 - (c) section 64;
 - (d) Parts 1 and 2 of Schedule 1.
- (3) Section 64 does not extend to Scotland.
- (4) A repeal of an enactment by Schedule 2 which corresponds to a repeal of that enactment by any other provision of this Act has the same extent as that other provision. 10
- (5) The repeal in Schedule 2 relating to paragraph 86 of Schedule 4 to the Representation of the People Act 1985 does not extend to Northern Ireland.

71 Short title

15

This Act may be cited as the Electoral Administration Act 2006.

SCHEDULES

SCHEDULE 1

Sections 10, 11, 21, 24, 45, 66

AMENDMENTS

PART 1

ANONYMOUS REGISTRATION

5

The Juries Act 1974 (c. 23)

- 1 In section 3 of the Juries Act 1974 (electoral register as basis of jury selection), after subsection (1) insert –

“(1A) If a register to be delivered under subsection (1) above includes any anonymous entries (within the meaning of that Act of 1983) the registration officer must, at the same time as he delivers the register, also deliver to the designated officer any record prepared in pursuance of provision made as mentioned in paragraph 8A of Schedule 2 to that Act which relates to such anonymous entries.”

10

The 1983 Act

15

- 2 The 1983 Act is amended in accordance with paragraphs 3 to 16.

- 3 In section 4 (entitlement to be registered as parliamentary or local government elector), after subsection (5) insert –

“(5A) If a person entitled to be registered by virtue of subsection (5) above has an anonymous entry in the register, the references in paragraphs (a) and (b) of that subsection to his entry in the register are to be read as references to his entry in the record of anonymous entries prepared in pursuance of paragraph 8A of Schedule 2 below.”

20

- 4 (1) Section 9 (registers of electors) is amended as follows.

(2) In subsection (2), for “Each register” substitute “Subject to section 9B(3) below, each register”.

25

(3) In subsection (5), for “names” substitute “entries”.

- 5 In section 10 (maintenance of registers: annual canvass), in subsection (3) after paragraph (b) insert “; or

(c) the registration of persons with anonymous entries in the register.”

30

- 6 (1) Section 10A (maintenance of the registers: registration of electors) is amended as follows.

-
- (2) After subsection (3A) (inserted by section 12(4) of this Act) insert –
- “(3B) No objection to a person’s registration may be made if the person has an anonymous entry in the register.”
- (3) In subsection (5) the words “the name of” are omitted.
- 7 In section 49 (effect of registers), after subsection (4) insert – 5
- “(4A) Subsection (4) applies to an entry in the record of anonymous entries as it applies to an entry in the register of parliamentary or local government electors.”
- 8 In section 56 (registration appeals), in subsection (1) after paragraph (aa) (inserted by section 12(8) of this Act) insert – 10
- “(ab) from a determination of the registration officer under section 9B(2) above,”.
- 9 (1) Section 62 (offences as to declarations) is amended as follows.
- (2) After subsection (1) insert –
- “(1A) A person who makes a declaration under section 9B(1)(b) above – 15
- (a) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or
- (b) when he knows that it contains a statement which is false, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.” 20
- (3) In subsection (2) for “the reference in subsection (1) above to a legal incapacity to vote refers” substitute “the references in subsections (1) and (1A) above to a legal incapacity to vote refer”.
- 10 (1) Section 91 (candidate’s right to send election address post free) is amended as follows. 25
- (2) After subsection (2) insert –
- “(2A) The candidate may require the returning officer to make arrangements with the universal service provider for communications under subsection (1)(b) to be sent to persons who have anonymous entries in the register. 30
- (2B) Arrangements under subsection (2A) shall be such as to ensure that it is not disclosed to any other person that the addressee of such a communication has an anonymous entry.”
- (3) In subsection (4)(b) –
- (a) after “in that register” insert “(or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries)”, and 35
- (b) after “from the register” insert “(or from the record)”.
- 11 In section 121 (presentation and service of parliamentary election petition), after subsection (1) insert – 40
- “(1A) The reference in subsection (1)(a) to a person who voted as an elector at an election or who had the right so to vote does not include a person who had an anonymous entry in the register of electors.”

-
- 12 In section 128 (presentation of petition questioning local election), after subsection (1) insert –
- “(1A) The reference in subsection (1) to a person who voted as an elector at an election or who had the right so to vote does not include a person who had an anonymous entry in the register of electors. 5
- (1B) Subsection (1A) does not apply to a local government election in Scotland.”
- 13 (1) Section 202(1) (general provisions as to interpretation) is amended as follows.
- (2) Before the definition of “citizen of the Union” insert – 10
- ““anonymous entry”, in relation to a register of electors, shall be construed in accordance with section 9B above and “the record of anonymous entries”, means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to this Act;”. 15
- (3) In the definition of “elector” –
- (a) for “whose name is for the time being” substitute “who has for the time being an entry”, and
- (b) after “shown in the register” insert “(or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries)”. 20
- 14 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 7 (subscription of nomination paper), after paragraph (6) insert –
- “(7) But, in this rule, “elector” does not include a person who has an anonymous entry in the register.” 25
- (3) In rule 28 (issue of official poll cards) after paragraph (3) insert –
- “(3A) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b) above the polling card shall contain such matter as is prescribed.”
- (4) In rule 40 (tendered ballot papers) after paragraph (4) insert – 30
- “(4A) This rule applies to an elector who has an anonymous entry subject to the following modifications –
- (a) in paragraphs (2)(b) and (3) the references to the name of the voter must be ignored;
- (b) otherwise, a reference to a person named on a register or list must be construed as a reference to a person whose number appears on the register or list (as the case may be).” 35
- 15 (1) Schedule 2 (provisions which may be contained in regulations as to registration etc.) is amended as follows. 40
- (2) In paragraph 1(3), for “name” substitute “entry”.
- (3) After paragraph 2A insert –
- “2B Provisions requiring registration officers to remind persons with anonymous entries in registers of the need to make a fresh

- application and declaration in order for them to remain so registered.”
- (4) After paragraph 3A insert –
- “3B Provisions as to the form and content of applications for an anonymous entry and declarations to be made in connection with such applications.” 5
- (5) In paragraph 5, after sub-paragraph (1A) insert –
- “(1B) Provisions as to the evidence which shall or may be deemed sufficient or conclusive evidence that a person’s safety would be at risk as mentioned in section 9B(2) of this Act.” 10
- (6) After paragraph 8 insert –
- “8A Provisions requiring the registration officer to prepare a record of those persons with anonymous entries in the register showing, in relation to each such person, such information as is prescribed.”
- (7) In paragraph 10, after sub-paragraph (1) insert – 15
- “(1A) The edited version shall not omit anonymous entries.”
- 16 In Schedule 2A (control of donations to candidates), the existing text of paragraph 10 becomes sub-paragraph (1) of the paragraph and after sub-paragraph (1) insert –
- “(2) If the statement states that the candidate’s election agent has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual donor has an anonymous entry in an electoral register, the statement must be accompanied by a copy of the evidence. 20
- (3) Sub-paragraph (2) does not apply to local government elections in Scotland.” 25

The Representation of the People Act 1985 (c. 50)

- 17 (1) Section 3 of the Representation of the People Act 1985 is amended as follows.
- (2) After subsection (4) insert –
- “(4A) For the purposes of subsections (3)(a) and (4)(c) above, a person who has an anonymous entry in a register of parliamentary electors or local government electors is not to be regarded as being included in that register.” 30
- (3) In subsection (7), for “names” substitute “entries”.

The Greater London Authority Act 1999 (c. 29) 35

- 18 (1) Section 17A of the Greater London Authority Act 1999 (free delivery of election addresses) is amended as follows.
- (2) In subsection (2)(b) –
- (a) after “in any such register” insert “(or, in the case of a person who has an anonymous entry in any such register, in the record of anonymous entries for that electoral area)”, and 40

	(b) after “from the register” insert “(or from the record)”.	
	(3) After subsection (2) insert –	
	“(2A) In subsection (2)(b), “anonymous entry” and “record of anonymous entries” have the meaning given in section 202(1) of the Representation of the People Act 1983.”	5
<i>The Representation of the People Act 2000 (c. 2)</i>		
19	Schedule 4 to the Representation of the People Act 2000 (absent voting) is amended in accordance with paragraphs 20 to 23.	
20	(1) Paragraph 3 is amended as follows.	
	(2) In sub-paragraph (3), after paragraph (a) insert –	10
	“(aa) if he has an anonymous entry in the register of electors for the election,”.	
	(3) After sub-paragraph (3) insert –	
	“(3A) Sub-paragraph (3)(aa) does not apply to an application to vote by proxy at a local government election in Scotland.”	15
	(4) In sub-paragraph (5), after paragraph (a) insert –	
	“(aa) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry,”.	
21	In paragraph 4, after sub-paragraph (2) insert –	20
	“(2A) Where a person who has an anonymous entry in the register of electors for a parliamentary or local government election applies to the registration officer to vote by proxy at a particular such election the registration officer shall grant the application if it meets the prescribed requirements.	25
	(2B) Sub-paragraph (2A) does not apply to an application to vote by proxy at a local government election in Scotland.”	
22	In paragraph 5, after sub-paragraph (3) insert –	
	“(4) In the case of a person who has an anonymous entry in a register the postal voters list or list of proxies (as the case may be) must show in relation to the person only –	30
	(a) his electoral number, and	
	(b) the period for which the anonymous entry has effect.	
	(5) Sub-paragraph (4) does not apply to any list kept in respect of a local government election in Scotland.”	35
23	In paragraph 7, after sub-paragraph (8) insert –	
	“(8A) In the case of a person who has an anonymous entry in a register the special list mentioned in sub-paragraph (8) must contain only –	
	(a) the person’s electoral number, and	40
	(b) the period for which the anonymous entry has effect.	

(8B) Sub-paragraph (8A) does not apply to a special list kept in respect of a local government election in Scotland.”

The 2000 Act

- 24 The 2000 Act is amended as follows.
- 25 In section 65 (submission of donation reports to Commission), after subsection (2) insert – 5
- “(2A) If a donation report under section 62 or 63 states that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that an individual donor has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), the report must be accompanied by a copy of the evidence.” 10
- 26 In paragraph 2 of Schedule 6 (details to be given in donation reports) after sub-paragraph (3A) insert –
- “(3B) Sub-paragraph (2) applies in the case of a donation by a person who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), as if for paragraphs (a) and (b) there were substituted “state that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983)”. 15 20
- (3C) Sub-paragraph (3) applies in the case of a donation in the form of a bequest by a person who either – 25
- (a) at the time of his death, or
- (b) at any time in the period of five years ending with the date of his death,
- had an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), as if for paragraph (b) there were substituted – 30
- “(b) a statement that the registered party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual had – 35
- (i) at the time of his death, or
- (ii) at any time in the period of five years ending with the date of his death,
- an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983).”.”
- 27 The existing text of paragraph 3 of that Schedule becomes sub-paragraph (1) and after sub-paragraph (1) insert – 40
- “(2) In the case of a donation by a person who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), instead of giving details of the address of the donor the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the person has such an entry. 45

- (3) In the case of a donation in the form of a bequest by a person who either –
- (a) at the time of his death, or
 - (b) at any time in the period of five years ending at the date of his death,
- had such an entry, instead of giving details of the address of the donor, the party must state that it has seen evidence of such description as is prescribed by the Secretary of State in regulations that the person had, at that time, such an entry.” 5
- 28 In Schedule 7 (control of donations to individuals and members associations), in paragraph 10, after sub-paragraph (4) insert – 10
- “(4A) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983), if the report states that the donee has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the report must be accompanied by a copy of the evidence.” 15
- 29 In Schedule 11 (control of donations to recognised third parties), in paragraph 10, after sub-paragraph (3) insert – 20
- “(4) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) if the statement states that the recognised third party has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the statement must be accompanied by a copy of the evidence.” 25
- 30 In Schedule 15 (control of donations to permitted participants), in paragraph 10, after sub-paragraph (3) insert –
- “(4) In the case of a donation made by an individual who has an anonymous entry in an electoral register (within the meaning of the Representation of the People Act 1983) if the statement states that the permitted participant has seen evidence of such description as is prescribed by the Secretary of State in regulations that the individual has such an anonymous entry, the statement must be accompanied by a copy of the evidence.” 30
35

PART 2

ALTERATION OF REGISTERS: PENDING ELECTIONS

- 31 The 1983 Act is amended as follows.
- 32 In section 13A(4) (alteration of registers), after “section 13B(3)” insert “, (3B) or (3D)”. 40
- 33 Schedule 1 (parliamentary elections rules) is amended as follows.
- 34 In rule 29 (equipment of polling stations) after paragraph (5) insert –
- “(6) The reference in paragraph (3)(c) to the copies of the registers of electors includes a reference to copies of any notices issued under 45

- section 13B(3B) or (3D) of this Act in respect of alterations to the register.”
- 35 In rule 38 (votes marked by presiding officer), after paragraph (2) insert –
- “ (3) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, paragraph (2) above applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D)”.” 5
- 36 In rule 39 (voting by person with disabilities), after paragraph (4) insert –
- “(4A) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, paragraph (4) above applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D)”.” 10
- 37 In rule 40 (tendered ballot papers), after paragraph (4A) (inserted by paragraph 14(4) above) insert – 15
- “(4B) This rule applies in the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) as if –
- (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of this Act has been issued”; 20
- (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act”; 25
- (c) in paragraph (3) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of this Act”.”
- 38 After rule 41 (spoilt ballot papers) insert – 30
- “Correction of errors on day of poll*
- 41A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of this Act which takes effect on the day of the poll.” 35
- 39 In rule 43 (procedure on close of poll) –
- (a) in paragraph (1)(d), after “electors” insert “(including any marked copy notices issued under section 13B(3B) or (3D) of this Act)”;
- (b) in paragraph (1)(f) after “unable to read,” insert “the list maintained under rule 41A,”. 40
- 40 In rule 55 (delivery of documents to Clerk of the Crown), –
- (a) in paragraph (1)(c) after “and the related statements,” insert “the lists maintained under rule 41A,”;
- (b) in paragraph (1)(e) after “registers” insert “(including any marked copy notices issued under section 13B(3B) or (3D) of this Act)”.” 45

PART 3

STANDING FOR ELECTION

European Parliament

- 41 (1) Section 10 of the European Parliamentary Elections Act 2002 (c. 24) (disqualifications) is amended as follows. 5
- (2) In subsection (3) for “Commonwealth” substitute “qualifying Commonwealth citizens”.
- (3) After subsection (3) insert –
- “(3A) A Commonwealth citizen who is resident in Gibraltar and who –
- (a) does not, under the law of Gibraltar, require a permit or certificate to enter or remain there, or 10
- (b) for the time being has (or is by virtue of any provision of the law of Gibraltar to be treated as having) a certificate of permanent residence issued under the Immigration Control Ordinance, 15
- is not disqualified for the office of MEP under subsection (1)(a) merely because he is disqualified for membership of the House of Commons under section 3 of the Act of Settlement (12&13 Will 3 c. 2) (disqualification of persons, other than qualifying Commonwealth citizens and Republic of Ireland citizens, who are born outside Great Britain and Ireland and the dominions). 20
- (3B) But subsection (3A)(a) does not cause a person to be qualified for the office of MEP if he does not require a permit or certificate to enter Gibraltar by virtue only of section 14(1) of the Immigration Control Ordinance (certain exemptions from requirement of permit or certificate).” 25
- (4) In subsection (4A) for “provide” substitute “make such other provision as he thinks appropriate”.
- (5) After subsection (7) insert –
- “(7A) In this section “the Immigration Control Ordinance” means the Gibraltar Ordinance of that name (Ord. 1962 No. 12). 30
- (7B) The Secretary of State may by regulations amend this section if he considers it necessary or expedient to do so in consequence of developments in the law of Gibraltar relating to immigration control.
- (7C) Such regulations may – 35
- (a) make transitional or saving provision;
- (b) make provision extending or applying to (or extending or applying only to) Gibraltar or any part of the United Kingdom.”

Greater London Authority

40

- 42 (1) Section 20 of the Greater London Authority Act 1999 (c. 29) (qualification to be Mayor or Assembly member) is amended as follows.
- (2) In subsection (2)(a) before “Commonwealth” insert “qualifying”.

(3) After subsection (7) insert –

“(7A) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either –

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(7B) But a person is not a qualifying Commonwealth citizen by virtue of subsection (7A)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

(4) In subsection (8), in paragraph (a) of the definition of “relevant citizen of the Union” before “Commonwealth” insert “qualifying”. 15

Local authorities in England and Wales

43 (1) Section 79 of the Local Government Act 1972 (c. 70) (qualifications for election and holding office as a member of a local authority) is amended as follows.

(2) In subsection (1) for “British subject” substitute “qualifying Commonwealth citizen”. 20

(3) In subsection (2A) before “Commonwealth” insert “qualifying”.

(4) After subsection (2A) insert –

“(2B) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either –

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act. 30

(2C) But a person is not a qualifying Commonwealth citizen by virtue of subsection (2B)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).” 35

National Assembly for Wales

44 In section 13(2) of the Government of Wales Act 1998 (c. 38) (exceptions and relief from disqualification) before “Commonwealth” insert “certain”.

Scottish Parliament

45 In section 16(2) of the Scotland Act 1998 (c. 46) (exceptions and relief from disqualification) before “Commonwealth” insert “certain”. 40

Local authorities in Scotland

- 46 (1) Section 29 of the Local Government (Scotland) Act 1973 (c. 65) (qualifications for nomination, election and holding office as a member of a local authority in Scotland) is amended as follows.
- (2) In subsection (1) for “British subject” substitute “qualifying Commonwealth citizen”. 5
- (3) In subsection (2) before “Commonwealth” insert “qualifying”.
- (4) After subsection (2) insert –
- “(3) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either – 10
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act. 15
- (4) But a person is not a qualifying Commonwealth citizen by virtue of subsection (3)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).” 20

Councillors in Northern Ireland

- 47 (1) Section 3 of the Local Government Act (Northern Ireland) 1972 (C.9) (qualifications for nomination, election and holding office as a councillor in Northern Ireland) is amended as follows.
- (2) In subsection (1) for “British subject” substitute “qualifying Commonwealth citizen”. 25
- (3) In subsection (2) before Commonwealth insert “qualifying”.
- (4) After subsection (3) insert –
- “(4) For the purposes of this section, a person is a qualifying Commonwealth citizen if he is a Commonwealth citizen who either – 30
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act. 35
- (5) But a person is not a qualifying Commonwealth citizen by virtue of subsection (4)(a) if he does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).” 40

PART 4

OMISSION OF REFERENCES TO MAUNDY THURSDAY

The Electoral Law Act (Northern Ireland) 1962 (C. 14)

- 48 In Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules), in rule 2 (computation of time) omit the words “Maundy Thursday”. 5

The 1983 Act

- 49 The 1983 Act is amended in accordance with paragraphs 50 to 52.
- 50 In section 40(1) (timing as to local elections in England and Wales), omit the words “Maundy Thursday,”. 10
- 51 (1) In section 119(2) (computation of time for purposes of Part 2), omit the words “Maundy Thursday,”.
- (2) The amendment made by sub-paragraph (1) does not have effect so far as it relates to a local government election in Scotland.
- 52 In rule 2(1) of Schedule 1 (computation of time for purposes of parliamentary elections rules), in paragraph (b), omit the words “Maundy Thursday,”. 15

The Representation of the People Act 1985 (c. 50)

- 53 In section 19(6) of the Representation of the People Act 1985 (amendments and modifications of the Local Government Act 1972), in paragraph (b) (which modifies the rules about computation of time in section 243(4) of the 1972 Act), omit the words “Maundy Thursday,”. 20

The 2000 Act

- 54 In section 77(9) of the 2000 Act (computation of time for purposes of making claims in respect of campaign expenditure), in paragraph (a), omit the words “Maundy Thursday,”. 25

PART 5

CONDUCT OF ELECTIONS

THE ELECTORAL LAW ACT (NORTHERN IRELAND) 1962

- 55 The Electoral Law Act (Northern Ireland) 1962 (C. 14) is amended in accordance with paragraphs 56 to 64. 30

Attendance at election proceedings

- 56 In Schedule 5 (local elections rules), in rule 9 (right to attend nomination) –
(a) in paragraph (1), after paragraph (b) insert “or
(c) a person who has permission to attend granted under section 6A or 6B of the Political Parties, Elections and Referendums Act 2000,”; 35

- (b) after paragraph (3) insert –
- “(4) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).”
- 57 In rule 29 of that Schedule (admission to polling station) for paragraph (1) substitute – 5
- “(1) The presiding officer shall exclude all persons from the polling station except –
- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station; 10
- (c) the candidates and their election agents;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend at the polling station;
- (f) persons who have permission to attend granted under any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000; 15
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.
- (1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.” 20
- 58 In rule 44 of that Schedule (attendance at counting of votes) in paragraph (1), after sub-paragraph (e) insert –
- “(f) a person who has permission to attend granted under any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.” 25
- Identifying marks and security markings on ballot papers etc.*
- 59 (1) Rule 16 of that Schedule (ballot papers) is amended as follows.
- (2) In paragraph (2)(c) after “number” insert “and other unique identifying mark”. 30
- (3) In paragraph (2)(d) after “number” insert “and other unique identifying mark”.
- 60 (1) Rule 17 of that Schedule (the official mark) is amended as follows.
- (2) For paragraph (1) substitute – 35
- “(1) Every ballot paper must contain an appropriate security marking (the official mark).”
- (3) For paragraph (3) substitute –
- “(3) The returning officer may use a different official mark for different purposes at the same election.” 40
- 61 (1) The Appendix of forms of that Schedule is amended as follows.

- (2) In the Form of Front of Ballot Paper omit “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”.
- (3) In the Directions as to printing the ballot paper omit paragraph 3(e).
- (4) In the Declaration of identity Front of form omit “Ballot Paper No.....”.
- (5) In the Directions for the guidance of voters in voting – 5
- (a) omit paragraph 1;
 - (b) in paragraph 6 omit “holding the paper so that the presiding officer can see the official mark on the back of it”.
- 62 (1) Paragraph 27 of Schedule 9 (electoral misdemeanours) is amended as follows. 10
- (2) In sub-paragraph (2)(a) after “number” insert “or other unique identifying mark”.
- (3) In sub-paragraph (3)(c) after “number” insert “or other unique identifying mark”.
- (4) In sub-paragraph (4)(b) and (c) after “number” insert “or other unique identifying mark”. 15

Tendered votes in certain circumstances

- 63 (1) In rule 37 of Schedule 5 (tendered ballot papers) after paragraph (1) insert –
- “(1A) Paragraph (1C) applies if –
- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register, 20
 - (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, and 25
 - (c) he claims that he did not make an application to vote by post at the election.
- (1B) Paragraph (1C) also applies if –
- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies, 30
 - (b) he is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy, and
 - (c) he claims that he did not make an application to vote by post as proxy. 35
- (1C) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.” 40
- (2) After paragraph (1C) of that rule (inserted by sub-paragraph (1) above)

insert—

“(1D) Paragraph (1E) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

(a) a particular elector named on the register who is also named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to that Order as a person entitled to vote by post, or 5

(b) a particular person named as a proxy in the list of proxies and who is also named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy, 10

and claims that he has lost or has not received his postal ballot paper.

(1E) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.” 15

64 In rule 32 of that Schedule (questions to be put to voters) after paragraph (1A) insert— 20

“(1B) In the case of a person applying as an elector who is named in the absent voters list in pursuance of paragraph 2(4)(a) of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 as a person entitled to vote by post, the presiding officer may put either or both of the following additional questions— 25

(a) “Did you apply to vote by post?”;

(b) “Why have you not voted by post?”.

(1C) In the case of a person applying as proxy who is named in the absent voters list in pursuance of paragraph 2(4)(b) of Schedule 2 to that Order as a person entitled to vote by post as proxy, the presiding officer may put either or both of the following additional questions— 30

(a) “Did you apply to vote by post as proxy?”;

(b) “Why have you not voted by post as proxy?”.” 35

THE 1983 ACT

65 The 1983 Act is amended in accordance with paragraphs 66 to 86.

Official poll cards

66 (1) Rule 28 of Schedule 1 (issue of official poll cards) is amended as follows.

(2) For paragraph (1) substitute— 40

“(1) The returning officer shall as soon as practicable after the issue of the notice of poll send to electors and their proxies an official poll card.

(1A) An official poll card shall not be sent to a person registered, or to be registered, in pursuance of an overseas elector’s declaration.” 45

- (3) In paragraph (3) after sub-paragraph (c) insert –
- “(d) such other information as is prescribed;
 - (e) such other information as the returning officer thinks appropriate,
- and different information may be provided in pursuance of sub-paragraph (d) and (e) to different electors or descriptions of elector.” 5

Election expenses

- 67 (1) Section 76 (limitation of election expenses) is amended as follows.
- (2) In subsection (1B) for “above” (in both places) substitute “below”. 10
- (3) In subsection (4) for “the last day for publication of notice of the election” substitute “the first day of the relevant period (within the meaning of section 90ZA)”.

Forms to be used in connection with postal voting

- 68 In section 65 (tampering with nomination papers, ballot papers etc.) in subsection (1)(b) after “or any” insert “postal voting statement or”. 15
- 69 In rule 45 of Schedule 1 (the count at parliamentary elections), in paragraph (1B)(b) –
- (a) for “the declaration of identity” substitute “the postal voting statement”;
 - (b) omit the words “and authenticated”. 20

Questions to be put to voters

- 70 For rule 35 of that Schedule (questions to be put to voters) substitute –
- “35 (1) At the time of the application (but not afterwards), the questions specified in the second column of the following table –
- (a) may be put by the presiding officer to a person who is mentioned in the first column, and
 - (b) shall be put if the letter “R” appears after the question and the candidate or his election or polling agent requires the question to be put: 25
- 30

<i>Person applying for ballot paper</i>	<i>Questions</i>	
1 A person applying as an elector.	(a) “Are you the person registered in the register of parliamentary electors for this election as follows (<i>read out the whole entry from the register</i>)?” [R]	5
	(b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person?” [R]	10
	(c) “What is your date of birth?”	
2 A person applying as proxy.	(a) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?” [R]	15
	(b) “Have you already voted here or elsewhere at this election, as proxy on behalf of C.D.?” [R]	20
	(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of C.D.?” [R]	
3 A person applying as proxy for an elector with an anonymous entry (instead of the questions at entry 2 above).	(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)?” [R]	25
	(b) “Have you already voted here or elsewhere as proxy on behalf of the elector whose number on the register of electors is (<i>read out the number from the register</i>)?” [R]	30
	(c) “Are you the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild of the person whose number on the register of electors is (<i>read out the number from the register</i>)?” [R]	35
4 Person applying as proxy if the question at entry 2(c) or 3(c) is not answered in the affirmative.	“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/sister, child or grandchild?” [R]	40 45

<i>Person applying for ballot paper</i>	<i>Questions</i>	
5 A person applying as an elector in relation to whom there is an entry in the postal voters list.	(a) “Did you apply to vote by post?” (b) “Why have you not voted by post?”	5
6 A person applying as proxy who is named in the proxy postal voters list.	(a) “Did you apply to vote by post as proxy?” (b) “Why have you not voted by post as proxy?”	10
(2) In the case of an elector in respect of whom a notice has been issued under section 13B(3B) or (3D) of this Act, the references in the questions at entries 1(a) and 3(a), (b) and (c) to reading from the register must be taken as references to reading from the notice issued under section 13B(3B) or (3D).		15
(3) A ballot paper shall not be delivered to any person required to answer any of the above questions unless he has answered each question satisfactorily.		
(4) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.”		20

Voting procedure

71 (1) For rule 37 of that Schedule (voting procedure) substitute –

“37 (1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery –		
(a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register of electors shall be called out;		25
(b) the number of the elector shall be marked on the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him;		30
(c) a mark shall be placed in the register of electors against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received;		
(d) the voter shall sign the list mentioned in rule 29(3)(e) beside the number of the elector marked on the list in accordance with sub-paragraph (b) above; and		35
(e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.		40
(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).		

- (3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D), paragraph (1) above is modified as follows –
- (a) in sub-paragraph (a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of this Act”; 5
 - (b) in sub-paragraph (c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of this Act”.
- (4) Paragraph (1)(d) above does not apply to a voter to whom rule 38 or 39 applies. 10
- (5) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence. 15
- (6) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.” 20
- (2) This paragraph does not extend to Northern Ireland.

Attendance at election proceedings

- 72 In section 66(1) (requirement of secrecy) after paragraph (b) insert –
- “(c) every person so attending in pursuance of permission granted under any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,”. 25
- 73 (1) Rule 11 of Schedule 1 (right to attend nomination) is amended as follows.
- (2) In paragraph (1), after paragraph (b) insert “or
 - (c) a person who has permission to attend granted under section 6A or 6B of the Political Parties, Elections and Referendums Act 2000,”. 30
 - (3) After paragraph (3) insert –
 - “(3A) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).” 35
- 74 In rule 32 of that Schedule (admission to polling station) for paragraph (1) substitute –
- “(1) The presiding officer shall exclude all persons from the polling station except –
 - (a) voters; 40
 - (b) persons under the age of 18 who accompany voters to the polling station;
 - (c) the candidates and their election agents;
 - (d) the polling agents appointed to attend at the polling station; 45

-
- (e) the clerks appointed to attend at the polling station;
- (f) persons who have permission to attend granted under any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000;
- (g) the constables on duty; and 5
- (h) the companions of voters with disabilities.
- (1A) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.”
- 75 (1) Rule 44 of that Schedule (attendance at counting of votes) is amended as follows. 10
- (2) For paragraph (2) substitute –
- “(2) Only the following persons may be present at the counting of the votes –
- (a) the returning officer and his clerks, 15
- (b) the candidates and their spouses or civil partners,
- (c) the election agents,
- (d) the counting agents,
- (e) persons who have permission to attend granted under any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.” 20
- (3) Omit paragraph (3).
- Identifying marks and security markings on ballot papers etc.*
- 76 In section 66 (requirement of secrecy), in each of the following provisions, after “number” insert “or other unique identifying mark” – 25
- (a) subsection (2)(a);
- (b) subsection (3)(c);
- (c) subsection (4)(b) and (c);
- (d) subsection (5).
- 77 In rule 19 of Schedule 1 (ballot papers at parliamentary elections), in paragraph (2)(c) after “number” insert “and other unique identifying mark”. 30
- 78 (1) Rule 20 of that Schedule (the official mark at parliamentary elections) is amended as follows.
- (2) For paragraph (1) substitute –
- “(1) Every ballot paper must contain an appropriate security marking (the official mark).” 35
- (3) For paragraph (3) substitute –
- “(3) The returning officer may use a different official mark for different purposes at the same election.”
- 79 In rule 29 of that Schedule (equipment of polling stations at parliamentary elections), in paragraph (3), sub-paragraph (b) is omitted. 40

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- 80 (1) Rule 37 of that Schedule (voting procedure at parliamentary elections) is amended as follows.
- (2) In paragraph (1)–
- (a) sub-paragraph (a) is omitted;
- (b) in sub-paragraph (c) for “the counterfoil” substitute “the list mentioned in rule 29(3)(e) beside the number of the ballot paper to be issued to him”. 5
- (3) In paragraph (1B) for “10(4A)(b), 10A(1A)(b) or 13A(2A)(b)” substitute “10(4A), 10A(1A) or 13A(2A)”.
- (4) In paragraph (2) for “the official mark” substitute “the number and other unique identifying mark”. 10
- (5) This paragraph extends only to Northern Ireland.
- 81 In rule 45 of that Schedule (the count), in paragraph (4) after “numbers” insert “or other unique identifying marks”.
- 82 In rule 47 of that Schedule (rejected ballot papers at parliamentary elections), in paragraph (1)(c) after “number” insert “and other unique identifying mark”. 15
- 83 (1) The Appendix of forms in that Schedule is amended as follows.
- (2) In the Directions as to printing the ballot paper, for paragraph 4 substitute –
- “4 The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.” 20
- (3) For the Form of directions for the guidance of the voters in voting substitute –
- “Form of directions for the guidance of the voters in voting*
- GUIDANCE FOR VOTERS 25
- 1 When you are given a ballot paper go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.
- 2 Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted. Do not let anyone see your vote. 30
- 3 Fold the ballot paper in two. Show the back of the ballot paper to the presiding officer so as to disclose the number and other unique identifying mark. Put the ballot paper in the ballot box and leave the polling station.
- 4 If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.” 35
- Cancellation of postal ballot papers*
- 84 In Schedule 2 (provisions which may be contained in regulations as to registration etc), in paragraph 12 after sub-paragraph (a) insert –
- “(aa) authorising the cancellation or removal of ballot papers in any prescribed circumstances;”. 40

Control of documents after parliamentary election: Northern Ireland

- 85 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 55 (delivery of documents after poll) after paragraph (1A) (inserted by section 39(3)(b)) insert –
- “(1B) Paragraph (1)(e) does not apply to an election for a constituency in Northern Ireland, but the returning officer shall endorse on each packet containing –
- (a) marked copies of the registers,
 - (b) the postal voters list,
 - (c) the proxy postal voters list, and
 - (d) lists of proxies,
- a description of its contents, the date of the election to which it relates and the name of the constituency for which the election was held.”
- (3) In rule 57 (retention and public inspection of documents) after paragraph (1) insert –
- “(1A) The Chief Electoral Officer for Northern Ireland shall retain for a year the documents mentioned in rule 55(1B), and then, unless otherwise directed by order of the House of Commons or the High Court, shall cause them to be destroyed.”
- (4) This paragraph extends only to Northern Ireland.

Local government elections in Scotland

- 86 The amendments made by paragraphs 67(3), 68, 76 and 84 do not apply to a local government election in Scotland.

PART 6

MISCELLANEOUS

The Family Law Reform Act 1969 (c. 46)

- 87 In Schedule 2 to the Family Law Reform Act 1969 (provisions unaffected by section 1 to that Act), in paragraph 2, the words “section 7 of the Parliamentary Elections Act 1695” are omitted.

The 1983 Act

- 88 The 1983 Act is amended in accordance with paragraphs 89 to 113.
- 89 In section 31(2) (polling districts at local government elections in Scotland), for “section 18” substitute “section 18A”.
- 90 In section 53 (power to make regulations as to registration etc.), after subsection (3) insert –
- “(4) Provision may also be made by regulations –
- (a) for the supply of any such record or special list as is mentioned in subsection (1) above to such persons as are prescribed;

-
- (b) with respect to any conditions subject to which the supply is made;
- (c) making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale) for a person to fail to comply with any such condition.” 5
- 91 In section 58 (registration appeals: Northern Ireland), in subsection (1), after “except” insert “subsection (1)(aa) and (ab),”.
- 92 In section 73 (payment of expenses through election agent), in subsection (5)(d) for “section 90A(5)(b)” substitute “section 90ZA(8)”.
- 93 (1) In section 74A (expenses incurred otherwise than for election purposes) is amended as follows. 10
- (2) In subsection (1)(b) for “section 90A(1)” substitute “section 90ZA(1)”.
- (3) In subsection (2) omit “(determined in accordance with section 90B below)”.
- (4) In subsection (3) for “sections 90A to” substitute “sections 90ZA and”.
- 94 In section 75 (prohibition of expenses not authorised by election agent), for subsection (4) substitute – 15
- “(4) A copy of every return and declaration made under subsection (2) above in relation to a parliamentary election in England, Wales or Northern Ireland must be sent to the relevant officer within 21 days after the day on which the result of the declaration is declared by the person making the return or declaration. 20
- (4A) The relevant officer is –
- (a) in relation to England and Wales, the returning officer;
- (b) in relation to Northern Ireland, the Clerk of the Crown for Northern Ireland. 25
- (4B) The returning officer must forward to the relevant registration officer (within the meaning of rule 55 of the parliamentary elections rules) every document sent to him in pursuance of subsection (4) above.
- (4C) Rule 57 of those rules applies to any documents sent under this section to – 30
- (a) the relevant registration officer, or
- (b) the Clerk of the Crown for Northern Ireland.”
- 95 In section 81(9) (returns as to election expenses) – 35
- (a) for “subsection (3)” substitute “subsection (3A)”, and
- (b) the words “of each such matter” are omitted.
- 96 In section 89(1A) (inspection of return containing statement of donations), for “section 81(3)(e) above” substitute “paragraph 10 of Schedule 2A to this Act”
- 97 In section 90 (election expenses at elections where election agent not required), in subsection (1)(a) for “sections 90A(5)” substitute “sections 90ZA(7)”. 40

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- 98 In section 90C (property, goods and services provided free or at a discount), in subsection (2) for “section 90A(3) above” substitute “Part 2 of Schedule 4A to this Act”.
- 99 (1) Section 90D (modification of election expenses provisions relating to election of London Assembly members) is amended as follows. 5
- (2) In the title, for “sections 90A to” substitute “sections 90ZA and”.
- (3) In subsection (1) for “Sections 90A to” substitute “Sections 90ZA and”.
- (4) In subsection (2)(b) for “section 90A(4)” substitute “section 90ZA(4)”.
- (5) In subsection (3) – 10
- (a) for “section 90A” substitute “section 90ZA”;
- (b) for “subsection (5)” substitute “subsection (9)”;
- (c) the substituted subsection there set out is renumbered as subsection (9).
- 100 In section 118 (interpretation of Part 2), in the definition of “election expenses” for “sections 90A” substitute “sections 90ZA”. 15
- 101 (1) Section 160 (persons reported personally guilty of corrupt or illegal practices) is amended as follows.
- (2) In subsection (4A) after “section 60” insert “or 62A”.
- (3) In subsection (5A) after “Subject” insert “to subsection (5B) below and”.
- (4) After subsection (5A) insert – 20
- “(5B) Subsection (5A) above, in its application to a candidate or other person reported personally guilty of a corrupt practice under section 62A above, has effect as if the references in it to public office did not include references to the office of councillor for a local government area in Scotland.” 25
- 102 In section 168 (prosecutions for corrupt practice), in subsection (1)(a)(i) after “section 60” insert “or 62A”.
- 103 In section 173 (incapacities on conviction of corrupt or illegal practice), in subsection (2) after “section 60” insert “or 62A”.
- 104 (1) Section 173A (incapacity to hold public or judicial office in Scotland) is 30 amended as follows.
- (2) In subsection (1) after “Subject” insert “to subsection (3) and”.
- (3) After subsection (2) insert –
- “(3) Subsection (1) above, in its application to a person convicted of a corrupt practice under section 62A above, has effect as if the 35 references in it to public office did not include references to the office of councillor for a local government area in Scotland.”
- 105 In section 187 (application of Act to certain local elections) in subsection (1)(a) after “60” insert “, 62A”.
- 106 In section 191 (municipal elections in the City), in subsection (1)(a) for “and 40 61” substitute “, 61 and 62A”.

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- 107 In section 193 (personation and other voting offences), in paragraph (a) for “and 61” substitute “, 61 and 62A”.
- 108 In section 197 (candidate’s expenses: ward, and liverymen in common hall, elections), in subsection (3) for the words from “An order under this subsection” to the end substitute – 5
 “The power to make an order under this subsection is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- 109 (1) Section 202(1) (general interpretation) is amended as follows.
- (2) Omit the definition of “absent voters list”. 10
- (3) After the definition of “parliamentary election petition” insert –
 “the postal voters list” means –
 (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 5(2) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post have been granted); 15
 (b) in relation to Northern Ireland, the list of persons kept in pursuance of section 7(4)(a) of the Representation of the People Act 1985 (persons whose applications to vote by post have been granted); 20
 “the proxy postal voters list” means –
 (a) in relation to England and Wales and Scotland, the list of persons kept in pursuance of paragraph 7(8) of Schedule 4 to the Representation of the People Act 2000 (persons whose applications to vote by post as proxy have been granted); 25
 (b) in relation to Northern Ireland, the list of persons kept in pursuance of section 9(9) of the Representation of the People Act 1985 (persons whose applications to vote by post as proxy have been granted).” 30
- 110 (1) Rule 6A of Schedule 1 (nomination papers: registered political parties) is amended as follows.
- (2) In paragraph (1) for “voters” substitute “electors”.
- (3) In paragraph (2) after “paragraph (1)” insert “or (1B)”. 35
- 111 In rule 12(3A) of that Schedule (decisions as to validity of nomination papers) after “rule 6A(1)” insert “or (1B) or 6B”.
- 112 In rule 14(5) of that Schedule (statement of persons nominated: documents to be sent to Electoral Commission) after “rule 6A” insert “(1) or (1B)”.
- 113 For rule 36 of that Schedule (challenge of voter) substitute – 40
 “36 A person shall not be prevented from voting by reason only that –
 (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation, or

- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.”

The Representation of the People Act 1985 (c. 50)

- 114 (1) Schedule 1 to the Representation of the People Act 1985 (special polling stations in Northern Ireland) is amended as follows. 5
- (2) In paragraph 1(6) (right to vote at special polling stations) for “section 18” substitute “section 18A”.
- (3) Paragraph 7(2) (application of rules regarding ballot papers after election) is omitted. 10

The Caldey Island Act 1990 (c. 44)

- 115 In section 4(1) of the Caldey Island Act 1990 (savings) for “sections 18” substitute “sections 18A”.

The Representation of the People Act 2000 (c. 2)

- 116 (1) Schedule 4 to the Representation of the People Act 2000 (absent voting in Great Britain) is amended as follows. 15
- (2) In paragraph 1(1) omit the definition of “absent voters list”.
- (3) In paragraph 2—
- (a) in sub-paragraph (7), for the words from “if he is shown” to “as so entitled” substitute “if sub-paragraph (8) or (9) (as the case may be) applies to him in relation to the election”; 20
- (b) after sub-paragraph (7) insert—
- “(8) This sub-paragraph applies to a person who is shown in the postal voters list mentioned in paragraph 5(2) below as entitled to vote by post at an election. 25
- (9) This sub-paragraph applies to a person who is shown in the list of proxies mentioned in paragraph 5(3) below as entitled to vote by proxy at an election.”
- (4) In paragraph 5(1) for “a special list (“the absent voters list”) consisting of the two” substitute “the two special”. 30
- (5) In paragraph 5(2) after “list” insert “(“the postal voters list”)”.
- (6) In paragraph 7(8) after “list” insert “(“the proxy postal voters list”)”.

The 2000 Act

- 117 The 2000 Act is amended as follows.
- 118 In section 22 (parties to be registered in order to field candidates), in subsection (3)(a)(i), after “Independent” insert “or, in the case of an election in Wales, “Independent” or “Annibynnwr””. 35
- 119 In section 29 (registration of party emblems), in subsection (2) after

- paragraph (c) insert –
- “*(ca)* would be likely, were it to appear on a ballot paper issued at an election –
- (i) to result in an elector being misled as to the effect of his vote, or
- (ii) to contradict, or hinder an elector’s understanding of, any directions for his guidance in voting given on the ballot paper or elsewhere,”.
- 120 (1) Section 34 (registration of minor parties) is amended as follows.
- (2) In subsection (3) for “three months” substitute “six months”.
- (3) In subsection (8), in paragraph (c)(i), after “sections 28(4) to (8)” insert “, 28A”.
- 121 In section 52 (payments, services etc. not to be regarded as donations), in subsection (2)(b) omit “except for the purposes of section 68,”.
- 122 In section 55(2) (payments from public funds to be treated as donations received from a permissible donor), for “section 52(1)(a) and (b)” substitute “section 52(1)(b)”.
- 123 In section 69 (register of recordable donations) –
- (a) omit subsection (3), and
- (b) in each of subsections (4) and (5), omit “or (3)”.
- 124 (1) Schedule 7 (donations to individuals and members associations by donors) is amended as follows.
- (2) In paragraph 4(3)(b), omit the words “except for the purposes of paragraph 14,”.
- (3) Omit Part 4 (reporting of donations by donors).
- (4) In paragraph 15 (register of recordable donations), omit sub-paragraph (3)(b).
- 125 In Schedule 20 (penalties), omit the entries relating to section 68(5) and paragraph 14(5) of Schedule 7.

SCHEDULE 2

Section 66(2)

30

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Parliamentary Elections Act 1695 (c. 25)	Section 7.	
Election Act 1707 (cap. 8)	The whole Act.	35
Parliamentary Elections (Ireland) Act 1823 (c. 55)	Section 74.	
Electoral Law Act (Northern Ireland) 1962 (C. 14)	In Schedule 5, in rule 2 the words “Maundy Thursday”.	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Electoral Law Act (Northern Ireland) 1962 (C. 14) – <i>cont.</i>	In Schedule 5, in the Appendix to the rules –	
	(a) in the Form of Front of Ballot Paper, the words “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”	5
	(b) in the Directions as to printing the ballot paper, paragraph 3(e)	
	(c) in the Declaration of identity Front of form the words “Ballot Paper No.....”	10
	(d) in the Directions for the guidance of voters in voting, paragraph 1 and in paragraph 6 the words “holding the paper so that the presiding officer can see the official mark on the back of it”.	15
Family Law Reform Act 1969 (c. 46)	In Schedule 2, in paragraph 2, the words “section 7 of the Parliamentary Elections Act 1695”.	
British Nationality Act 1981 (c. 61)	In Schedule 7, the entry relating to the Act of Settlement.	20
Representation of the People Act 1983 (c. 2)	Section 9(6). In section 10A(5), the words “the name of” and “duly”.	
	Section 18. Section 29(4), (4A) and (4B). In section 40(1), the words “Maundy Thursday,”.	25
	In section 74A(2), the words “(determined in accordance with section 90B below)”.	
	In section 75(1), the words from “paragraph (c) or (d) of” to the end.	30
	In section 81, subsection (3) and in subsection (9), the words “of each such matter”.	
	Sections 90A and 90B. In section 119(2), the words “Maundy Thursday,”.	35
	In section 202(1), the definition of “absent voters list”.	
	In Schedule 1, in rule 2(1)(b) the words “Maundy Thursday,”.	40
	In Schedule 1, rule 19(2)(d). In Schedule 1, rule 29(3)(b). In Schedule 1, rule 37(1)(a). In Schedule 1, rule 40(1B)(a).	
	In Schedule 1, in rule 43(1)(e), the words “the counterfoils of the used ballot papers and”.	45
	In Schedule 1, rule 44(3). In Schedule 1, in rule 45(1B)(b), the words “and authenticated”.	
	In Schedule 1, in rule 55 –	50
	(a) in paragraph (1)(d), the words “counterfoils and”	
	(b) paragraphs (2) to (4).	

<i>Short title and chapter</i>	<i>Extent of repeal</i>	
Representation of the People Act 1983 (c. 2) – <i>cont.</i>	<p>In Schedule 1, in the Appendix to the rules –</p> <p>(a) in the Form of Front of Ballot Paper, the words “Counterfoil No. The counterfoil is to have a number to correspond with that on the back of the ballot paper”</p> <p>(b) in the Form of Back of Ballot Paper, the words “Note.— The number on the ballot paper is to correspond with that on the counterfoil”.</p>	5 10
Representation of the People Act 1985 (c. 50)	<p>In section 19(6)(b) the words “Maundy Thursday,”.</p> <p>In Schedule 1, paragraph 7(2).</p> <p>In Schedule 4, paragraph 86.</p>	15
Representation of the People Act 2000 (c. 2)	<p>In Schedule 4, in paragraph 1(1), the definition of “absent voters list”.</p>	15
Political Parties, Elections and Referendums Act 2000 (c. 41)	<p>Section 52(1)(a).</p> <p>In section 52(2)(b), the words “except for the purposes of section 68,”.</p> <p>Section 68.</p> <p>In section 69, subsection (3) and in subsections (4) and (5), the words “or (3)”.</p> <p>In section 77(9)(a) the words “Maundy Thursday,”.</p> <p>In Schedule 7 –</p> <p>(a) in paragraph 4(3)(b) the words “except for the purposes of paragraph 14,”</p> <p>(b) Part 4</p> <p>(c) paragraph 15(3)(b).</p> <p>In Schedule 18, paragraph 7(4).</p> <p>In Schedule 20, the entries relating to section 68(5) and paragraph 14(5) of Schedule 7.</p>	20 25 30
Electoral Fraud (Northern Ireland) Act 2002 (c. 13)	<p>Section 2(2).</p> <p>Section 3(4)(a) and (b).</p>	35
Civil Partnership Act 2004 (c. 33)	<p>In Schedule 27, paragraph 85(5).</p>	35

Electoral Administration Bill

A

B I L L

To make provision in relation to the registration of electors and the keeping of electoral registration information; standing for election; the administration and conduct of elections and referendums; and the regulation of political parties.

*Presented by Ms Harriet Harman
supported by
The Prime Minister, Mr Secretary Prescott,
Mr Chancellor of the Exchequer,
Mr Secretary Hain, Mr Ian McCartney,
Bridget Prentice and David Cairns.*

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