



Representation of the People Act 1983

1983 CHAPTER 2

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

Conduct of parliamentary elections

23 Rules for parliamentary elections

- (1) The proceedings at a parliamentary election shall be conducted in accordance with the parliamentary elections rules in Schedule 1 to this Act.
- (2) It is the returning officer's general duty at a parliamentary election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by those parliamentary elections rules.
- (3) No parliamentary election shall be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the parliamentary elections rules if it appears to the tribunal having cognizance of the question that—
 - (a) the election was so conducted as to be substantially in accordance with the law as to elections ; and
 - (b) the act or omission did not affect its result.

24 Returning officers: England and Wales

- (1) In England and Wales, the returning officer for a parliamentary election is—
 - (a) in the case of a county constituency which is coterminous with or wholly contained in a county, the sheriff of the county ;
 - (b) in the case of a borough constituency which is coterminous with or wholly contained in a district, the chairman of the district council;

Status: This is the original version (as it was originally enacted).

- (c) in the case of any other constituency wholly outside Greater London, such sheriff or chairman of a district council as may be designated in an order by the Secretary of State made by statutory instrument;
- (d) in the case of a constituency which is coterminous with or wholly contained in a London borough, the mayor of the borough;
- (e) in the case of a constituency wholly or partly in Greater London which is situated partly in one London borough and partly in a district or any other London borough, the mayor of such London borough or the chairman of such district council as may be designated in an order by the Secretary of State made by statutory instrument.

The City, the Inner Temple and the Middle Temple shall be treated for the purposes of this section as if together they formed a London borough.

- (2) A parliamentary election is not liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

25 Returning officers: Scotland

- (1) In Scotland, the returning officer for a parliamentary election is—
 - (a) in the case of a constituency wholly situated in one region or islands area, the person under section 41 below who is, or who may discharge the functions of, the returning officer at elections of councillors for the regional or islands council;
 - (b) in the case of a constituency situated in more than one region or islands area, such person mentioned above as the Secretary of State may by order direct.
- (2) The council of a region or of an islands area shall place at the disposal of the returning officer for a constituency wholly or partly situated in that region or islands area, for the purpose of assisting the returning officer in the discharge of any functions conferred on him in relation to a parliamentary election in that constituency, the services of officers employed by the council.
- (3) The council of a district shall, if so requested by the returning officer for a constituency wholly or partly situated in that district, place at the returning officer's disposal, for the purpose of assisting him as mentioned in subsection (2) above, the services of officers employed by the council.

26 Returning officer: Northern Ireland

In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the returning officer for each constituency.

27 Returning officers generally

- (1) It is for the returning officer as such to execute the writ for a parliamentary election, and the office of returning officer is a distinct office from that by virtue of which he becomes returning officer.

- (2) Where a person takes any office by virtue of which he becomes returning officer, he (and not the outgoing holder of the office) shall complete the execution of any writ for a parliamentary election previously issued and not yet returned.
- (3) A person is not subject to any incapacity to vote at a parliamentary election by reason of being or acting as returning officer at that election.

28 Discharge of returning officer's functions in England and Wales

- (1) In England and Wales the duties of the returning officer for a parliamentary election (except those mentioned in subsection (2) below) shall be discharged, as acting returning officer—
 - (a) in the case of a constituency for which the chairman of a district council or the mayor of a London borough is returning officer by virtue of section 24(1) above, by the registration officer appointed by that council;
 - (b) in the case of any other constituency, by such registration officer as may be designated in an order made by the Secretary of State.
- (2) The duties excepted from subsection (1) above are—
 - (a) any duty imposed on a returning officer under rule 3 of the parliamentary elections rules; and
 - (b) any duty so imposed under rule 50 of those rules which the person (if any) who for the time being holds the office of returning officer reserves to himself and undertakes to perform in person.
- (3) The returning officer shall give to the acting returning officer written notice of any duties which he reserves to himself under paragraph (b) of subsection (2) above, and that paragraph shall, in the case of any election, apply to the duties (if any) of which the notice is so given not later than the day following that on which the writ is received, and to no others.
- (4) In the discharge of the duties imposed by subsection (1) an acting returning officer has all the powers, obligations, rights and liabilities of the returning officer under this Act, and this Act has effect accordingly.
- (5) An acting returning officer has power to appoint deputies to discharge all or any of those duties, but the appointment requires the Secretary of State's approval where the deputy's powers extend—
 - (a) to matters other than the receipt of nomination papers and connected matters ;
or
 - (b) to the taking or deciding of objections to nomination papers.
- (6) Section 25 of the Sheriffs Act 1887 (death of sheriff) does not authorise the under-sheriff to discharge the duties of returning officer, and upon a sheriff's death the acting returning officer shall discharge all the sheriff's duties as returning officer until another sheriff is appointed and has made the declaration of office.

29 Payments by and to returning officer

- (1) No consideration shall be given by or to a returning officer for the making out, receipt, delivery or return of the writ for a parliamentary election or, subject to the following provisions of this section, otherwise in connection with its execution.

Status: This is the original version (as it was originally enacted).

- (2) Nothing in subsection (1) above shall be taken as applying to any inclusive salary payable to a returning officer in respect of the office by virtue of which he becomes returning officer.
- (3) The Treasury shall by statutory instrument prescribe a scale of maximum charges in respect of services rendered and expenses incurred by a returning officer for the purposes of or in connection with parliamentary elections, and may revise the scale as and when they think fit.
- (4) A returning officer shall be entitled to his reasonable charges, not exceeding the sums specified in that scale, in respect of services and expenses of the several kinds so specified which have been properly rendered or incurred by him for the purposes of or in connection with a parliamentary election.
- (5) The amount of any such charges shall be charged on and paid out of the Consolidated Fund on an account being submitted to the Treasury, but the Treasury may if they think fit, before payment, apply for the account to be taxed under the provisions of section 30 below.
- (6) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer's charges at a parliamentary election, then on an account being submitted to the Treasury a sum equal to the increase shall be charged on and paid out of the Consolidated Fund to the authority.
- (7) On the returning officer's request for an advance on account of his charges, the Treasury may, on such terms as they think fit, make such an advance.
- (8) The Treasury may make regulations as to the time when and the manner and form in which accounts are to be rendered to them for the purposes of the payment of a returning officer's charges.

30 Taxation of returning officer's account

- (1) An application for a returning officer's account to be taxed shall be made—
 - (a) where the account relates to an election in a constituency in England or Wales or in Northern Ireland, to the county court,
 - (b) where the account relates to an election in a constituency in Scotland, to the Auditor of the Court of Session,and in this section the expression " the court" means that court or Auditor.
- (2) On any such application the court has jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.
- (3) On any such application the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to with or without costs; and the determination of the court shall be final for all purposes and as against all persons.

Status: This is the original version (as it was originally enacted).

- (4) Any reference in this section to the county court shall be taken, in relation to Northern Ireland, as a reference to the county court having jurisdiction at the place for the delivery of nomination papers at the election in question.