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SCHEDULES

SCHEDULE 1

AMENDMENTS

PART 7

MISCELLANEOUS

The 1983 Act

104 The 1983 Act is amended in accordance with paragraphs 105 to 133.

Commencement Information

II Sch. 1 para. 104 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(b) (subject to transitional provisions in art. 4 Sch. 2)

105 In section 10 (maintenance of registers: annual canvass), in subsection (4B) for “any incapacity” substitute “blindness or any other disability”.

Commencement Information

I2 Sch. 1 para. 105 wholly in force at 1.7.2008; Sch. 1 para. 105 not in force at Royal Assent see s. 77; Sch. 1 para. 105 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(bb)(v) (subject to Sch. 2); Sch. 1 para. 105 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(v)

106 In section 10A (maintenance of registers: registration of electors), in subsection (1B) for “any incapacity” substitute “blindness or any other disability”.

Commencement Information

I3 Sch. 1 para. 106 wholly in force at 1.7.2008; Sch. 1 para. 106 not in force at Royal Assent see s. 77; Sch. 1 para. 106 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(bb)(v) (subject to Sch. 2); Sch. 1 para. 106 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(v)

PROSPECTIVE

107 (1) Section 29 (payments by and to returning officer), as proposed to be amended by paragraph 6(3) of Schedule 21 to the 2000 Act, is amended as follows.

(2) For subsections (3) to (6) substitute—

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- “(3) [F1 Subject to section 29A,] 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—
- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and
 - (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, regulations made by the Commission, with the consent of the Treasury, for the purposes of this subsection.
- (4) Regulations under subsection (3) may specify, or make provision for determining in accordance with the regulations, a maximum recoverable amount for services or expenses of any specified description and, subject to subsection (5) below, the returning officer may not recover more than that amount in respect of any such services or expenses.
- (5) In a particular case the Commission may, with the consent of the Treasury, authorise the payment of—
- (a) more than the overall maximum recoverable amount, or
 - (b) more than the specified maximum recoverable amount for any specified services or expenses,
- if the Commission are satisfied that the conditions in subsection (6) are met.
- (6) The conditions referred to in subsection (5) 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.”

Textual Amendments

- F1** Words in Sch. 1 para. 107(2) inserted (6.4.2014) by [Electoral Registration and Administration Act 2013](#) (c. 6), **ss. 18(3)**, 27(1); S.I. 2014/414, **art. 3(c)** (with **art. 4**)

- 108 In section 31(2) (polling districts at local government elections in Scotland), for “section 18” substitute “section 18A”.

Commencement Information

- I4** [Sch. 1 para. 108](#) wholly in force at 1.7.2008; [Sch. 1 para. 108](#) not in force at Royal Assent see [s. 77](#); [Sch. 1 para. 108](#) in force for E.W.S. at 1.1.2007 by [S.I. 2006/3412](#), **art. 3**, [Sch. 1 para. 14](#) (bb)(v) (subject to [Sch. 2](#)); [Sch. 1 para. 108](#) in force for N.I. at 1.7.2008 by [S.I. 2008/1316](#), **arts. 2(2)**, 4(z)(v)

- 109 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;

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- (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.”

Commencement Information

I5 Sch. 1 para. 109 wholly in force at 14.5.2008; Sch. 1 para. 109 not in force at Royal Assent see s. 77; Sch. 1 para. 109 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(v) (subject to Sch. 2); Sch. 1 para. 109 in force for N.I. at 14.5.2008 by S.I. 2008/1316, arts. 2(1)(2), 3(g), 4(z)(v)

- 110 In section 58 (registration appeals: Northern Ireland), in subsection (1), after “except” insert “ subsection (1)(aa) and (ab), ”.
- 111 In section 73 (payment of expenses through election agent), in subsection (5)(d) for “section 90A(5)(b)” substitute “ section 90ZA(5) ”.

Commencement Information

I6 Sch. 1 para.111 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(c) (subject to transitional provisions in Sch. 2)

- 112 (1) In section 74A (expenses incurred otherwise than for election purposes) is amended as follows.
- (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 ”.

Commencement Information

I7 Sch. 1 para. 112 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(c) (subject to transitional provisions in art. 4, Sch. 2)

- 113 In section 75 (prohibition of expenses not authorised by election agent), for subsection (4) substitute—
- “(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 election is declared by the person making the return or declaration.
- (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.
- (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—

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- (a) the relevant registration officer, or
- (b) the Clerk of the Crown for Northern Ireland.”

Commencement Information

I8 Sch. 1 para. 113 wholly in force at 1.7.2008; Sch. 1 para. 113 not in force at Royal Assent see s. 77; Sch. 1 para. 113 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(iv) (subject to Sch. 2); Sch. 1 para. 113 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(iv)

- 114 In section 81(9) (returns as to election expenses)—
- (a) for “subsection (3)” substitute “ subsection (3A) ”, and
 - (b) the words “of each such matter” are omitted.

Commencement Information

I9 Sch. 1 para. 114 wholly in force at 1.7.2008; Sch. 1 para. 114 not in force at Royal Assent see s. 77; Sch. 1 para. 114 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(bb)(iv) (subject to Sch. 2); Sch. 1 para. 114 in force for N.I. by S.I. 2008/1316, arts. 2(2), 4(z)(iv)

- 115 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 ”.

Commencement Information

I10 Sch. 1 para. 115 wholly in force at 1.7.2008; Sch. 1 para. 115 not in force at Royal Assent see s. 77; Sch. 1 para. 115 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(iv) (subject to Sch. 2); Sch. 1 para. 115 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(iv)

- 116 In section 90 (election expenses at elections where election agent not required), in subsection (1)(a) for “sections 90A(5)” substitute “ sections 90ZA(4) ”.

Commencement Information

I11 Sch. 1 para. 116 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(c) (subject to transitional provisions in Sch. 2)

- 117 In section 90C (property, goods and services provided free of charge or at a discount), in subsection (2) for “section 90A(3) above” substitute “ Part 2 of Schedule 4A to this Act ”.

Commencement Information

I12 Sch. 1 para. 117 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(c) (subject to transitional provisions in Sch. 2)

- 118 (1) Section 90D (modification of election expenses provisions relating to election of London Assembly members) is amended as follows.
- (2) In the title, for “sections 90A to” substitute “ sections 90ZA and ”.
 - (3) In subsection (1) for “Sections 90A to” substitute “ Sections 90ZA and ”.

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- (4) In subsection (2)(b) for “section 90A(4)” substitute “ section 90ZA(3) ”.
- (5) In subsection (3)—
- (a) for “section 90A” substitute “ section 90ZA ”;
 - (b) for “subsection (5)” substitute “ subsection (6) ”;
 - (c) the substituted subsection there set out is renumbered as subsection (6).

Commencement Information

I13 Sch. 1 para. 118 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(c) (subject to transitional provisions in Sch. 2)

- 119 In section 118 (interpretation of Part 2), in the definition of “election expenses” for “sections 90A” substitute “ sections 90ZA ”.

Commencement Information

I14 Sch. 1 para. 119 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(c) (subject to transitional provisions in Sch. 2)

- 120 (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) F²
- (4) F²

Textual Amendments

F2 Sch. 1 para. 120(3)(4) repealed (3.5.2007) by The Local Electoral Administration and Registration Services (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/931), art. 3

Commencement Information

I15 Sch. 1 para. 120 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(d) (subject to transitional provisions in Sch. 2)

- 121 In section 168 (prosecutions for corrupt practice), in subsection (1)(a)(i) after “section 60” insert “ or 62A ”.

Commencement Information

I16 Sch. 1 para. 121 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(d) (subject to transitional provisions in Sch. 2)

- 122 In section 173 (incapacities on conviction of corrupt or illegal practice), in subsection (2) after “section 60” insert “ or 62A ”.

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Commencement Information

I17 Sch. 1 para. 122 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(d) (subject to transitional provisions in Sch. 2)

123 ^{F3}

Textual Amendments

F3 Sch. 1 para. 123 repealed (3.5.2007) by The Local Electoral Administration and Registration Services (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/931), art. 3

124 In section 187 (application of Act to certain local elections) in subsection (1)(a) after “60” insert “, 62A ”.

Commencement Information

I18 Sch. 1 para. 124 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(d) (subject to transitional provisions in Sch. 2)

125 In section 191 (municipal elections in the City), in subsection (1)(a) for “and 61” substitute “, 61 and 62A ”.

Commencement Information

I19 Sch. 1 para. 125 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(d) (subject to transitional provisions in Sch. 2)

126 In section 193 (personation and other voting offences), in paragraph (a) for “and 61” substitute “, 61 and 62A ”.

Commencement Information

I20 Sch. 1 para. 126 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(d) (subject to transitional provisions in Sch. 2)

127 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— “ 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. ”

Commencement Information

I21 Sch. 1 para. 127 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(e) (subject to transitional provisions in Sch. 2)

128 (1) Section 202(1) (general interpretation) is amended as follows.

(2) Omit the definition of “absent voters list”.

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(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);
- (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);

“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);
- (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).”

Commencement Information

I22 Sch. 1 para. 128 wholly in force at 1.7.2008; Sch. 1 para. 128 not in force at Royal Assent, see s. 77; Sch. 1 para. 128 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(v) (subject to Sch. 2); Sch. 1 para. 128 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(v)

129 (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)”.

Commencement Information

I23 Sch. 1 para. 129 wholly in force at 1.7.2008; Sch. 1 para. 129 not in force at Royal Assent, see s. 77; Sch. 1 para. 129 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(vi) (subject to Sch. 2); Sch. 1 para. 129 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(vi)

130 In rule 12(3A) of that Schedule (decisions as to validity of nomination papers) after “rule 6A(1)” insert “or (1B)”.

Commencement Information

I24 Sch. 1 para. 130 wholly in force at 1.7.2008; Sch. 1 para. 130 not in force at Royal Assent, see s. 77; Sch. 1 para. 130 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(vi) (subject to Sch. 2); Sch. 1 para. 130 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(vi)

131 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)”.

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Commencement Information

I25 Sch. 1 para. 131 wholly in force at 1.7.2008; Sch. 1 para. 131 not in force at Royal Assent, see s. 77; Sch. 1 para. 131 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(vi) (subject to Sch. 2); Sch. 1 para. 131 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(vi)

132 For rule 36 of that Schedule (challenge of voter) substitute—

- “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.”

Commencement Information

I26 Sch. 1 para. 132 wholly in force at 1.7.2008; Sch. 1 para. 132 not in force at Royal Assent, see s. 77; Sch. 1 para. 132 in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14 (bb)(v) (subject to Sch. 2); Sch. 1 para. 132 in force for N.I. at 1.7.2008 by S.I. 2008/1316, arts. 2(2), 4(z)(v)

133 The amendments made by paragraphs 111, 112, 114, 117 and 119 do not apply to a local government election in Scotland.

Commencement Information

I27 Sch. 1 para. 133 wholly in force at 11.9.2006, see s. 77(2)-(4) and S.I. 2006/1972, art. 3, Sch. 1 para. 25(f) (subject to transitional provisions in Sch. 2)

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