

SCHEDULE 1

THE MAYORAL ELECTIONS RULES

PART III

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

5.—(1) The returning officer shall publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the returning officer in order that they may be effective for the election.

Nomination of candidates and nomination papers

6.—(1) Each candidate shall be nominated by a separate nomination paper.

(2) A nomination paper shall be in the appropriate form and shall be delivered at the place fixed for the purpose by the returning officer, which shall be at the offices of the council of the county, county borough, district or London borough in which the electoral area wholly or mainly lies.

(3) A nomination paper shall state the candidate's—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of names.

(4) The description, if any, which may not comprise more than six words, must consist of either—

- (a) that authorised as mentioned in paragraph (5); or
- (b) the word “Independent”.

(5) A nomination paper may not include a description of a candidate that is likely to lead voters to associate the candidate with a registered political party unless—

- (a) the party is a qualifying party in relation to the electoral area; and
- (b) the description is authorised by a certificate—
 - (i) issued by or on behalf of the registered nominating officer of the party, and
 - (ii) received by the returning officer before the last time for the delivery of nomination papers.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (5) on behalf of a registered political party's nominating officer.

(7) In this rule, “registered political party” means a party which was registered under Part II (registration of political parties) of the PPER Act at the time by which the notice of election is required to be published by virtue of rule 1 (“the relevant time”); and a registered political party is a qualifying party in relation to an electoral area if, at the relevant time, it was registered in respect of England or Wales in the Great Britain register maintained under that Part.

Subscription of nomination paper

7.—(1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by twenty-eight other electors as assenting to the nomination.

(2) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

(3) The nomination paper shall give the electoral number of each person subscribing it.

(4) The returning officer—

(a) shall supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) shall, at any elector’s request, prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form supplied by the returning officer.

(5) In this rule, “elector” means a person who, on the last day for publication of notice of the election, is registered in the register of local government electors for the electoral area in question; but if he is then below voting age, only if it appears from the register that he will be of voting age on the day fixed for the poll.

Consent to nomination

8. A person shall not be validly nominated unless his consent to nomination—

(a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,

(b) is attested by one witness, and

(c) is delivered at the place and within the time for delivery of nomination papers.

Deposits

9.—(1) A person shall not be validly nominated as a candidate unless the sum of £500 is deposited by him or on his behalf, with the returning officer at the place and during the time for delivery of nomination papers.

(2) The deposit may be made either—

(a) by the deposit of any legal tender, or

(b) by means of a banker’s draft, or

(c) with the returning officer’s consent, in any other manner,

but the returning officer may refuse to accept a deposit sought to be made by means of a banker’s draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

10.—(1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the returning officer decides that the nomination paper is invalid, or
- (b) proof is given to the returning officer's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The returning officer is entitled to hold the nomination paper of a person invalid only on one of the following grounds—

- (a) that the particulars of the candidate or of the persons subscribing the paper are not as required by law; and
- (b) that the paper is not subscribed as so required.

(3) Subject to paragraph (4), as soon as practicable after each nomination paper has been delivered, the returning officer shall examine it and decide whether the candidate has been validly nominated.

(4) If the returning officer is of the opinion that a nomination paper contravenes rule 6(5), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.

(5) Where the returning officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(6) The returning officer shall, as soon as practicable after making such a decision as is mentioned in paragraph (4) or (5), send notice of it to the candidate at his home address as given in his nomination paper.

(7) The returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

11.—(1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and if there are two or more of them with the same surname, of their other names.

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

Inspection of nomination papers and consent to nomination

12. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal of candidature

13.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address shall be given; and
- (b) delivered to the returning officer at the place for delivery of nomination papers.

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Method of election

14. If, after any withdrawals under rule 13—

- (a) more than two candidates remain validly nominated, a poll shall be taken in accordance with Parts IV and V of these Rules,
- (b) only two candidates remain validly nominated, a poll shall be taken in accordance with Part IV;
- (c) only one candidate remains validly nominated, that person shall be declared to be elected in accordance with Part VI.