
Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

SCHEDULES

SCHEDULE 2

RULES APPLICABLE TO ELECTION OF COMMISSIONERS

PART 2

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

NOTICE OF ELECTION

Notice of election

- 3 (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 the place and those times.
- (2) The returning officer shall send a copy of the notice of election and a nomination form to every commoner whose name appears on the register or, in the case of the first commoners' election, the list compiled under paragraph 7 of Schedule 1 (Appointment and election of Commissioners) to this Act.

Nomination of candidates

- 4 (1) Each candidate shall nominate himself or herself on a separate nomination paper, in the form in the Appendix of Forms to this Schedule, delivered at the place fixed for the purpose by the returning officer.
- (2) The nomination paper shall state the candidate's—
- (a) full names, and
 - (b) home address in full,
- and the surname shall be placed first in the list of names.

Decisions as to validity of nomination papers

- 5 (1) Where a nomination paper is 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.

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- (2) The returning officer is entitled to hold a nomination paper invalid only on the ground that the particulars of the candidate are not as required by law.
- (3) 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) Where the returning officer decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for his decision.
- (5) The returning officer shall send notice of his decision that a nomination paper is valid or invalid to each candidate at his home address as given in his nomination paper.
- (6) The returning officer's decision that a nomination paper is valid or invalid shall be final and not be questioned in any proceeding whatsoever.

Publication of statement of persons nominated

- 6 (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 and addresses 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.

Withdrawal of candidates

- 7 (1) A candidate may withdraw his or her candidature by notice of withdrawal—
 - (a) signed by the candidate, and
 - (b) delivered to the returning officer at the place for delivery of nomination papers.

Method of election

- 8 (1) If the number of persons remaining validly nominated after any withdrawals under these rules exceeds the number of commissioners to be elected, a poll shall be taken in accordance with Part 3 of these rules.
- (2) If the number of persons remaining validly nominated after any withdrawals under these rules does not exceed the number of commissioners to be elected, such person or persons shall be declared to be elected in accordance with Part 4 of these rules.