



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART I

#### PARLIAMENTARY AND LOCAL GOVERNMENT FRANCHISE AND ITS EXERCISE

##### Modifications etc. (not altering text)

**C1** Pt. I (ss. 1–66) modified by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **s. 2(6)**

#### *Parliamentary and local government franchise*

##### [<sup>F1</sup>1 **Parliamentary electors.**

- (1) A person is entitled to vote as an elector at a parliamentary election in any constituency if on the date of the poll he—
- (a) is registered in the register of parliamentary electors for that constituency;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age (that is, 18 years or over).
- (2) A person is not entitled to vote as an elector—
- (a) more than once in the same constituency at any parliamentary election; or
  - (b) in more than one constituency at a general election.]

##### Textual Amendments

**F1** S. 1 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 1\(1\)](#); [S.I. 2001/116, art. 2\(1\)\(2\)](#) (with [s. 2\(4\)](#))

##### Modifications etc. (not altering text)

**C2** S. 1(1)(a) excluded (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), **ss. 10(5), 24(3)**; [S.I. 2016/290, reg. 2](#)

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**C3** S. 1(1)(d) excluded (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), **ss. 10(5), 24(3)**; S.I. 2016/290, reg. 2

## [<sup>F2</sup>2] **Local government electors.**

- (1) A person is entitled to vote as an elector at a local government election in any electoral area if on the date of the poll he—
- (a) is registered in the register of local government electors for that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age (that is, 18 years or over<sup>[F3]</sup>, except in Scotland (see subsection (1A))).

[ In Scotland, voting age is 16 years or over.]  
<sup>F4</sup>(1A)

- (2) A person is not entitled to vote as an elector—
- (a) more than once in the same electoral area at any local government election; or
  - (b) in more than one electoral area at an ordinary election for a local government area which is not a single electoral area.]

### Textual Amendments

- F2** S. 2 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 1\(1\)](#); S.I. 2001/116, **art. 2(1)(2)** (with [art. 2\(4\)](#))
- F3** Words in s. 2(1)(d) inserted (S.) (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 1(1)(a), 21** (with [s. 1\(2\)](#))
- F4** S. 2(1A) inserted (S.) (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 1(1)(b), 21** (with [s. 1\(2\)](#))

## 3 **Disfranchisement of offenders in prison etc.**

- (1) A convicted person during the time that he is detained in a penal institution in pursuance of his sentence [<sup>F5</sup>or unlawfully at large when he would otherwise be so detained] is legally incapable of voting at any parliamentary or local government election.
- (2) For this purpose—
- (a) “convicted person” means any person found guilty of an offence (whether under the law of the United Kingdom or not), including a person found guilty by a [<sup>F6</sup>court of a service offence within the meaning of the Armed Forces Act 2006], but not including a person dealt with by committal or other summary process for contempt of court; and
  - (b) “penal institution” means an institution to which the <sup>M1</sup>Prison Act 1952, the <sup>M2</sup>Prisons (Scotland) Act 1952 or the <sup>M3</sup>Prison Act (Northern Ireland) 1953 applies; and
  - (c) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue

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of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence.

- (3) It is immaterial for the purposes of this section whether a conviction or sentence was before or after the passing of this Act.

#### Textual Amendments

- F5** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 1**  
**F6** Words in s. 3(2)(a) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, **Sch. 16 para. 95**; S.I. 2009/812, **art. 3**; S.I. 2009/1167, **art. 4**

#### Modifications etc. (not altering text)

- C4** S. 3(1)(2) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(6), **Sch. 1 Pt. I**  
**C5** S. 3(2)(a) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, **Sch. 1 para. 24(1)**

#### Marginal Citations

- M1** 1952 c. 52.  
**M2** 1952 c. 61.  
**M3** 1953 c. 18 (N.I.)

### [<sup>F7</sup>3A] **Disfranchisement of offenders detained in mental hospitals.**

- (1) A person to whom this section applies is, during the time that he is—
- detained at any place in pursuance of the order or direction by virtue of which this section applies to him, or
  - unlawfully at large when he would otherwise be so detained, legally incapable of voting at any parliamentary or local government election.
- (2) As respects England and Wales, this section applies to the following persons—
- any person in respect of whom—
    - an order has been made under section 37, 38, 44 or 51(5) of the <sup>M4</sup>Mental Health Act 1983, or
    - a direction has been given under section 45A, 46 or 47 of that Act;
  - any person in respect of whom an order has been made under section 5(2)(a) of the <sup>M5</sup>Criminal Procedure (Insanity) Act 1964; and
  - any person in respect of whom the Court of Appeal has made an order under—
    - section 6(2)(a) of the <sup>M6</sup>Criminal Appeal Act 1968, or
    - section 14(2)(a) of that Act.
- (3) As respects Scotland, this section applies to the following persons—
- any person in respect of whom an order has been made under section 53, 54, 57(2)(a) or (b) [<sup>F8</sup>, 57A(2)] or 58 of the <sup>M7</sup>Criminal Procedure (Scotland) Act 1995; and
  - any person in respect of whom a direction has been given under [<sup>F9</sup>section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003] or section 59A of that Act of 1995.
- (4) As respects Northern Ireland, this section applies to the following persons—

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- (a) any person in respect of whom—
  - (i) an order has been made under Article 44, 45, 50A(2)(a) or 57(5) of the <sup>M8</sup>Mental Health (Northern Ireland) Order 1986, or
  - (ii) a direction has been given under Article 52 or 53 of that Order; and
- (b) any person in respect of whom the Court of Appeal has made an order under—
  - (i) section 11(1)(b) or (2)(b) of the <sup>M9</sup>Criminal Appeal (Northern Ireland) Act 1980, or
  - (ii) section 13(5A) of that Act.

[<sup>F10</sup>(5) The reference in subsection (2)(a)(i) to an order under section 37 or 38 of the Mental Health Act 1983 includes such an order made by virtue of Schedule 4 to the Armed Forces Act 2006 (including as applied by section 16(2) of the Court Martial Appeals Act 1968).]

- (6) In this section any reference to a person in respect of whom any order or direction falling within subsection (2), (3) or (4) has been made or given includes a reference to a person in respect of whom any such order or direction is, by virtue of any enactment, to be treated as having been made or given in connection with his transfer to a place in the part of the United Kingdom mentioned in that subsection.
- (7) Any reference in any of subsections (2) to (4) above to a provision of any Act or Order includes a reference to any earlier provision (whether of that Act or Order as originally enacted or made or as previously amended, or otherwise) to the like effect.]

#### Textual Amendments

- F7** S. 3A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 2](#); S.I. 2001/116, [art. 2\(1\)\(2\)](#) (with [art. 2\(4\)](#))
- F8** Words in s. 3A(3)(a) inserted (27.9.2005 for S. and 5.10.2005 for E.W.N.I.) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), [art. 2](#), [Sch. 1 para. 12\(2\)\(a\)](#); and [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), [art. 15](#), [Sch. 1 para. 1\(2\)\(a\)](#)
- F9** Words in s. 3A(3)(b) substituted (27.9.2005 for S. and 5.10.2005 for E.W.N.I.) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), [art. 2](#), [Sch. 1 para. 12\(2\)\(b\)](#) and [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), [art. 15](#), [Sch. 1 para. 1\(2\)\(b\)](#)
- F10** S. 3A(5) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 96](#); S.I. 2009/812, [art. 3](#); S.I. 2009/1167, [art. 4](#)

#### Modifications etc. (not altering text)

- C6** S. 3A(1)(4)-(7) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3 SIF 42\)](#), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by [2000 c. 2, s. 8](#), [Sch. 3 para. 3\(2\)](#); S.I. 2001/116, [art. 2\(1\)](#) (with [art. 2\(4\)](#))
- C7** S. 3A(5) modified (24.4.2009 for certain purposes and 31.10.2009 otherwise) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 24\(2\)](#)

#### Marginal Citations

- M4** [1983 c. 20](#).
- M5** [1964 c. 84](#).
- M6** [1968 c. 19](#).
- M7** [1995 c. 46](#).
- M8** [S.I. 1986/595 \(N.I. 4\)](#).

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**M9** 1980 c. 47.

[<sup>F11</sup> Entitlement to registration]

**Textual Amendments**

**F11** S. 4 and preceding cross-heading substituted for s. 4 (29.1.2001 for specified purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 1(2); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

[<sup>F12</sup> **Entitlement to be registered as parliamentary or local government elector.**

- (1) A person is entitled to be registered in the register of parliamentary electors for any constituency or part of a constituency if on the relevant date he—
- (a) is resident in the constituency or that part of it;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is either a qualifying Commonwealth citizen or a citizen of the Republic of Ireland; and
  - (d) is of voting age.

<sup>F13</sup>(2) .....

- (3) A person is entitled to be registered in the register of local government electors for any electoral area if on the relevant date he—
- (a) is resident in that area;
  - (b) is not subject to any legal incapacity to vote (age apart);
  - (c) is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and
  - (d) is of voting age.

- (4) The preceding provisions have effect—
- (a) subject to—
    - (i) any enactment imposing a disqualification for registration as a parliamentary, or (as the case may be) local government, elector; and
    - (ii) compliance with any prescribed requirements; and
  - (b) (as respects registration as a parliamentary elector) without prejudice to section 2(1) of the Representation of the <sup>M10</sup>People Act 1985 (registration of British citizens overseas).

- (5) A person otherwise qualified is (despite subsection (1)(d) or (3)(d), as the case may be) entitled to be registered in a register of parliamentary electors or local government electors if he will attain voting age before the end of the period of 12 months beginning with the 1st December next following the relevant date, but—
- (a) his entry in the register shall give the date on which he will attain that age; and
  - (b) until the date given in the entry he shall not by virtue of the entry be treated as an elector for any purposes other than those of an election the date of the poll for which is the date so given or any later date.

[ If a person entitled to be registered by virtue of subsection (5) above has an anonymous <sup>F14</sup>(5A) entry in the register, the references in paragraphs (a) and (b) of that subsection to his

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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.]

(6) In this section—

“qualifying Commonwealth citizen” means a Commonwealth citizen who either—

- (a) is not a person who requires leave under the <sup>M11</sup>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) any description of such leave; “the relevant date”, in relation to a person, means—
  - (a) the date on which an application for registration is made (or, by virtue of section 10A(2) below, is treated as having been made) by him;
  - (b) in the case of a person applying for registration in pursuance of a declaration of local connection or a service declaration, the date on which the declaration was made.]

#### Textual Amendments

- F12** S. 4 and preceding cross-heading substituted for s. 4 (29.1.2001 for specified purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 1(2); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F13** S. 4(2) repealed (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 14(1)(a)(i), 28; S.I. 2014/2613, art. 2(2)(a)
- F14** S. 4(5A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, Sch. 1 para. 3; S.I. 2006/3412, art. 3, Sch. 1 paras. 1, 12(a) (subject to transitional provisions and savings in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 2(2))

#### Modifications etc. (not altering text)

- C8** S. 4(5) applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 14(3)(4), Sch. 4
- C9** S. 4(6) modified (E.W.S.) (27.3.2013) by The Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 (S.I. 2013/794), arts. 1(1), 2(4)

#### Marginal Citations

- M10** 1985 c. 50.
- M11** 1971 c. 77.

#### [<sup>F15</sup> Residence: general.

- (1) This section applies where the question whether a person is resident at a particular address on the relevant date for the purposes of section 4 above falls to be determined for the purposes of that section.
- (2) Regard shall be had, in particular, to the purpose and other circumstances, as well as to the fact, of his presence at, or absence from, the address on that date.

For example, where at a particular time a person is staying at any place otherwise than on a permanent basis, he may in all the circumstances be taken to be at that time—

- (a) resident there if he has no home elsewhere, or
- (b) not resident there if he does have a home elsewhere.

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- (3) For the purpose of determining whether a person is resident in a dwelling on the relevant date for the purposes of section 4 above, his residence in the dwelling shall not be taken to have been interrupted by reason of his absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him if—
- (a) he intends to resume actual residence within six months of giving up such residence, and will not be prevented from doing so by the performance of that duty; or
  - (b) the dwelling serves as a permanent place of residence (whether for himself or for himself and other persons) and he would be in actual residence there but for his absence in the performance of that duty.
- (4) For the purposes of subsection (3) above any temporary period of unemployment shall be disregarded.
- (5) Subsection (3) above shall apply in relation to a person's absence by reason of his attendance on a course provided by an educational institution as it applies in relation to a person's absence in the performance of any duty such as is mentioned in that subsection.
- (6) Subject to sections 7 and 7A below, a person who is detained at any place in legal custody shall not, by reason of his presence there, be treated for the purposes of section 4 above as resident there.]

#### Textual Amendments

- F15** S. 5 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 3; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

- C10** S. 5 extended (N.I.) (with modifications) (16.2.2001) by 1989 c. 3, Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(4); S.I. 2001/116, art. 2(1) (with art. 2(4)))
- C11** S. 5 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.)
- C12** S. 5 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))

## 6 Residence: merchant seamen.

At any time when a merchant seaman is not resident in the United Kingdom and would have been resident there but for the nature of his occupation, he shall be entitled to be treated for the purposes of <sup>F16</sup>section 4 above]as resident—

- (a) at any place at which he would have been resident but for the nature of his occupation; or
- (b) at any hostel or club providing accommodation for merchant seamen at which he commonly stays in the course of his occupation.

For this purpose “merchant seaman” means any person not having a service qualification whose employment or the greater part of it is carried out on board seagoing ships, and includes any such person while temporarily without employment.



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### Textual Amendments

**F16** Words in s. 6 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 2**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

### Modifications etc. (not altering text)

**C13** Ss. 5, 6, 7(1) applied by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 27(2)

**C14** Ss. 5–7 extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(5)(6), **Sch. 1 Pt. I** (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(4)**; S.I. 2001/116, **art. 2(1)** (with art. 2(4)))

**C15** Ss. 5, 6, 7(1) applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 7(4)**

**C16** S. 6 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4), Sch.**)

**C17** S. 6 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), ss. 6, 13(1), **sch. 1 Pts. 1, 2** (with s. 13(2))

### [<sup>F17</sup> **Residence: patients in mental hospitals who are not detained offenders or on remand.**

- (1) This section applies to a person who—
  - (a) is a patient in a mental hospital (whether or not he is liable to be detained there), but
  - (b) is not a person to whom section 3A above or section 7A below applies.
- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the mental hospital in question if the length of the period which he is likely to spend at the hospital is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—
  - (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
    - [<sup>F18</sup>(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered, or]
    - [<sup>F19</sup>(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person's entry has been altered as the result of an application under section 10ZD made by some other person, or]
  - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),

whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).



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- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—
- (a) by virtue of his residence at some place other than the mental hospital in which he is a patient, or
  - (b) in pursuance of a declaration of local connection.
- (6) In this section “mental hospital” means any establishment (or part of an establishment) maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder; and for this purpose “mental disorder”—
- (a) in relation to England or Wales, has the same meaning as in the <sup>M12</sup>Mental Health Act 1983,
  - (b) in relation to Scotland, has the same meaning as in the [<sup>F20</sup>Mental Health (Care and Treatment) (Scotland) Act 2003], and
  - (c) in relation to Northern Ireland, has the same meaning as in the <sup>M13</sup>Mental Health (Northern Ireland) Order 1986.]

#### Textual Amendments

- F17** S. 7 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 4; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F18** S. 7(3)(aa) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 12(1), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14(a) (subject to transitional provisions and savings in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3
- F19** S. 7(3)(ab) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 2 (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F20** Words in s. 7(6)(b) substituted (27.9.2005 for S. and 5.10.2005 for E.W.N.I.) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 2, Sch. 1 para. 12(3) and The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 15, Sch. 1 para. 1(3)

#### Modifications etc. (not altering text)

- C18** S. 7 extended (N.I.) (with modifications) (16.2.2001) by 1989 c. 3, Sch. 1 (as amended by 2000 c. 2, s. 8, Sch. 3 paras. 3(4), 4(2))
- C19** S. 7 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.)
- C20** S. 7 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))

#### Marginal Citations

- M12** 1983 c. 20.  
**M13** S.I. 1986/595 (N.I. 4).

#### [<sup>F21</sup>7A Residence: persons remanded in custody etc.

- (1) This section applies to a person who is detained at any place pursuant to a relevant order or direction and is so detained otherwise than after—
- (a) being convicted of any offence, or
  - (b) a finding in criminal proceedings that he did the act or made the omission charged.

*Status: Point in time view as at 30/06/2017.*

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- (2) A person to whom this section applies shall (subject to subsection (5) below) be regarded for the purposes of section 4 above as resident at the place at which he is detained if the length of the period which he is likely to spend at that place is sufficient for him to be regarded as being resident there for the purposes of electoral registration.
- (3) A person registered in a register of electors in pursuance of an application for registration made by virtue of subsection (2) above is entitled to remain so registered until—
- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
    - <sup>F22</sup>(aa) [ the registration officer determines in accordance with regulations that the person was not entitled to be registered, or]
    - <sup>F23</sup>(ab) [ the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person's entry has been altered as the result of an application under section 10ZD made by some other person, or]
  - (b) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of an application made by virtue of subsection (2)),
- whichever first occurs.
- (4) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (3) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further application made by virtue of subsection (2).
- (5) Subsection (2) above shall not be taken as precluding the registration of a person to whom this section applies—
- (a) by virtue of his residence at some place other than the place at which he is detained, or
  - (b) in pursuance of a declaration of local connection.
- (6) In this section “a relevant order or direction” means—
- (a) a remand or committal in custody;
  - (b) a remand to a hospital under section 35 or 36 of the <sup>M14</sup>Mental Health Act 1983 or Article 42 or 43 of the <sup>M15</sup>Mental Health (Northern Ireland) Order 1986;
  - (c) a direction for removal to a hospital under section 48 of that Act or Article 54 of that Order;
  - (d) [<sup>F24</sup>an assessment order under section 52D or a treatment order under section 52M] of the <sup>M16</sup>Criminal Procedure (Scotland) Act 1995; or
  - <sup>F25</sup>(e) a transfer for treatment direction under section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 made in respect of a person to whom that section applies by virtue of article 13 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005]]

#### Textual Amendments

- F21** S. 7A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 5; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

*Status: Point in time view as at 30/06/2017.*

*Changes to legislation: Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F22** S. 7A(3)(aa) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 12(2), 77**; [S.I. 2006/3412](#), **art. 3**, **Sch. 1 para. 14(a)** (subject to transitional provisions and savings in **art. 6, Sch. 2**); [S.I. 2008/1316](#), **arts. 2, 3**
- F23** S. 7A(3)(ab) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), **s. 27(1)**, **Sch. 4 para. 3** (with **Sch. 5**); [S.I. 2014/414](#), **art. 5(m)**; [S.I. 2014/2439](#), **art. 2(1)**
- F24** Words in **s. 7A(6)(d)** substituted (27.9.2005 for S. and 5.10.2005 for E.W.N.I.) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\)](#), **art. 2**, **Sch. 1 para. 1(4)(a)** and [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), **art. 15**, **Sch. 1 para. 12(4)**
- F25** S. 7A(6)(e) substituted (5.10.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/2078\)](#), **art. 15**, **Sch. 1 para. 1(4)(b)**

#### Modifications etc. (not altering text)

- C21** Ss. 7-7C extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), **ss. 2, 13(6)**, **Sch. 1 Pt. 1** (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 paras. 3(4), 4(2)**; [S.I. 2001/116](#), **art. 2(1)** (with **art. 2(3)-(5)**))
- C22** S. 7A applied (with modifications) (9.4.2001) by [S.I. 2001/1184](#), **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by [S.I. 2009/726](#), **regs. 1(1), 2(3)(4)**, **Sch.**)
- C23** S. 7A applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), **ss. 6, 13(1)**, **sch. 1 Pts. 1, 2** (with **s. 13(2)**)

#### Marginal Citations

- M14** 1983 c. 20.  
**M15** [S.I. 1986/595 \(N.I. 4\)](#).  
**M16** 1995 c. 43.

#### [<sup>F26</sup>7B Notional residence: declarations of local connection.

- (1) A declaration under this section (“a declaration of local connection”)—
- may be made only by a person to whom this section applies, but
  - may be made by such a person despite the fact that by reason of his age he is not entitled to vote.
- (2) This section applies to any person who on the date when he makes such a declaration is—
- a person to whom section 7 above applies and who would not be entitled to be registered by virtue of residence at any place other than the mental hospital (within the meaning of that section) at which he is a patient, or
  - a person to whom section 7A applies and who would not be entitled to be registered by virtue of residence at any place other than the place at which he is detained as mentioned in subsection (1) of that section, or
  - a person who does not fall within paragraph (a) or (b) above (and is not otherwise in legal custody) and who is not, for the purposes of section 4 above, resident at any address in the United Kingdom (a “homeless person”).

[ In relation to the registration of local government electors in Scotland, this section <sup>F27</sup>(2A) also applies to a person who, on the date on which the person makes a declaration under subsection (1)—

- is under the age of 16,
- does not fall within any of paragraphs (a) to (c) of subsection (2), and

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- (c) meets either of the requirements specified in subsection (2B).
- (2B) The requirements are that—
- (a) the person is, or has been, a child looked after by a local authority, or
  - (b) the person is being kept in secure accommodation.
- (2C) For the purposes of subsection (2B)—
- (a) the reference to a child looked after by a local authority is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995 (duty of local authorities in relation to looked after children), and
  - (b) “secure accommodation” means accommodation provided, for the purpose of restricting the liberty of children, in an establishment in Scotland (whether managed by a local authority, a voluntary organisation or any other person) that—
    - (i) provides residential accommodation for children for the purposes of the Children's Hearings (Scotland) Act 2011, the Children (Scotland) Act 1995 or the Social Work (Scotland) Act 1968, and
    - (ii) is approved in accordance with regulations made under section 78(2) of the Public Services Reform (Scotland) Act 2010 (regulations in relation to care services).]
- (3) A declaration of local connection shall state—
- (a) the name of the declarant and either—
    - (i) an address to which correspondence for him from either the registration officer concerned or the returning officer can be delivered, or
    - (ii) that he is willing to collect such correspondence periodically from the registration officer's office;
  - (b) the date of the declaration;
  - (c) that on the date of the declaration the declarant falls into one of the categories of persons to whom this section applies, specifying—
    - (i) the category in question, and
    - (ii) (in the case of a person falling within subsection (2)(a) or (b) above) the name and address of the mental hospital at which he is a patient or (as the case may be) of the place at which he is detained;
  - (d) the required address (as defined by subsection (4) below);
  - (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland or (if the declaration is made for the purposes only of local government elections) a relevant citizen of the Union;
  - (f) whether the declarant has on the date of the declaration attained the age of 18 years, and, if he has not, the date of his birth.
- (4) For the purposes of this section “the required address” is—
- (a) in the case of a person falling within subsection (2)(a) or (b) above—
    - (i) the address in the United Kingdom where he would be residing if he were not such a patient, or detained, as mentioned in that provision, or
    - (ii) if he cannot give such an address, an address in the United Kingdom at which he has resided;
  - (b) in the case of a homeless person, the address of, or which is nearest to, a place in the United Kingdom where he commonly spends a substantial part of his time (whether during the day or at night);

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- [<sup>F28</sup>(c) in the case of a person falling within subsection (2A), any address in Scotland at which the person has previously been resident.]
- <sup>F29</sup>(5) . . . . .
- (6) Where a declaration of local connection made by a homeless person is delivered to the registration officer concerned during the period—
- (a) beginning with the date when a vacancy occurs—
    - (i) in the seat for the parliamentary constituency within which the required address falls, or
    - (ii) in the seat for any Scottish Parliament constituency or National Assembly for Wales constituency within which it falls, and
  - (b) ending on the final nomination day (within the meaning of section 13B below) for the parliamentary by-election, or (as the case may be) the election under section 9 of the <sup>M17</sup>Scotland Act 1998 or [<sup>F30</sup>section 10 of the Government of Wales Act 2006], held in respect of that vacancy,
- the declaration must state that, during the period of three months ending on the date of the declaration, the declarant has commonly been spending a substantial part of his time (whether during the day or at night) at, or near, the required address.
- (7) No declaration of local connection shall be specially made by a person for the purposes of local government elections, and any such declaration made for the purposes of parliamentary elections shall have effect also for the purposes of local government elections; but—
- (a) a declaration of local connection may be made for the purposes only of local government elections by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections or by a relevant citizen of the Union; and
  - (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other declarations of local connection.
- [<sup>F31</sup>(7A) Despite anything in subsection (7), in relation to Scotland, a relevant declaration made by a person has effect only for the purposes of the person's registration as a local government elector.
- (7B) In subsection (7A), “relevant declaration” means—
- (a) a declaration of local connection made by virtue of subsection (2A),
  - (b) any other declaration of local connection made by a person who, on the date on which the declaration is made, is—
    - (i) under the age of 17, and
    - (ii) not entitled to be registered in the register of parliamentary electors.
- (7C) A relevant declaration referred to in subsection (7A) must be marked to show that it is available only for the purposes of registration as a local government elector, but otherwise is to be the same as other declarations of local connection.]
- (8) If a person—
- (a) makes a declaration of local connection stating more than one address under subsection (3)(d) above, or
  - (b) makes more than one declaration of local connection bearing the same date and stating different addresses under that provision,
- the declaration or declarations shall be void.

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- (9) A declaration of local connection may be cancelled at any time by the declarant.
- (10) A declaration of local connection shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.]

#### Textual Amendments

- F26** Ss. 7B, 7C inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 6; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F27** S. 7B(2A)-(2C) inserted (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), ss. 8(2), 21
- F28** S. 7B(4)(c) inserted (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), ss. 8(3), 21
- F29** S. 7B(5) repealed (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 14(1)(a)(ii), 28; S.I. 2014/2613, art. 2(2)(a)
- F30** Words in s. 7B(6)(b) substituted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1, 3, Sch. 1 para. 17
- F31** S. 7B(7A)-(7C) inserted (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), ss. 8(4), 21

#### Modifications etc. (not altering text)

- C24** S. 7B applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.)
- C25** Ss. 7-7C extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 paras. 3(4), 4(2); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5)))
- C26** S. 7B extended (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 7, 13(1) (with s. 13(2))
- C27** S. 7B applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))

#### Marginal Citations

- M17** 1998 c. 46.

#### <sup>F32</sup>7C Effect of declaration of local connection.

- (1) Where a person's declaration of local connection is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—
- (a) resident on the date of the declaration at the address stated in it in accordance with section 7B(3)(d) above; <sup>F33</sup>...
- <sup>F33</sup>(b) .....
- (2) A person registered in a register of electors in pursuance of a declaration of local connection is entitled to remain so registered until—
- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,
- [<sup>F34</sup>(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered,]



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- [<sup>F35</sup>(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person's entry has been altered as the result of an application under section 10ZD made by some other person,]  
(b) the declaration is cancelled under section 7B(9) above, or  
(c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a declaration of local connection),  
whichever first occurs.
- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further declaration of local connection.
- (4) This section shall not be taken as precluding the registration of a person falling within section 7B(2)(a) or (b) above in pursuance of an application made by virtue of section 7(2) or 7A(2) above.

#### Textual Amendments

- F32** Ss. 7B, 7C inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, s. 6](#); [S.I. 2001/116, art. 2\(1\)\(2\)](#) (with [art. 2\(4\)](#))
- F33** S. 7C(1)(b) and preceding word repealed (1.10.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 14\(1\)\(a\)\(iii\), 28](#); [S.I. 2014/2613, art. 2\(2\)\(a\)](#)
- F34** S. 7C(2)(aa) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\), ss. 12\(3\), 77](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 14\(a\)](#) (subject to transitional provisions and savings in [art. 6, Sch. 2](#)); [S.I. 2008/1316, arts. 2, 3](#)
- F35** S. 7C(2)(ab) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 4 para. 4](#) (with [Sch. 5](#)); [S.I. 2014/414, art. 5\(m\)](#); [S.I. 2014/2439, art. 2\(1\)](#)

#### Modifications etc. (not altering text)

- C28** S. 7C extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3\), ss. 2, 13\(6\), Sch. 1 Pt. I](#) (as amended (16.2.2001) by [2000 c. 2, s. 8, Sch. 3 para. 3\(4\)](#); [S.I. 2001/116, art. 2\(1\)](#), (with [art. 2\(3\)-\(5\)](#)))  
S. 7C applied (with modifications) (9.4.2001) by [S.I. 2001/1184, reg. 9, Sch. Pt. I](#) (as substituted (17.3.2009) by [S.I. 2009/726, regs. 1\(1\), 2\(3\)\(4\), Sch.](#))
- C29** S. 7C applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\), ss. 6, 13\(1\), sch. 1 Pts. 1, 2](#) (with [s. 13\(2\)](#))

### *Registration of parliamentary and local government electors*

## 8 Registration officers.

- (1) For the registration of electors there shall be electoral registration officers (in this Act referred to as “registration officers”).
- (2) In England <sup>F36</sup>. . . —  
(a) the council of every district and London borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the district or borough, and

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- [<sup>F37</sup>(b) in relation to any constituency part of which consists of some or all of the area of the City and the Inner and Middle Temples, the Common Council shall appoint an officer to be registration officer for that part of the constituency.]
- [<sup>F38</sup>(2A) In Wales, the council of every county or county borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the area of the council.]
- [<sup>F39</sup>(3) In Scotland, every local authority shall appoint an officer of the authority for their area or for any adjoining area, or an officer appointed by any combination of local authorities, to be registration officer for any constituency or part of a constituency which is situated within their area.]
- (4) In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the registration officer for each constituency.

#### Textual Amendments

- F36** Words in s. 8(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(1), Sch. 18 (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F37** S. 8(2)(b) substituted (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), ss. 11(4), 19(1)
- F38** S. 8(2A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), Sch. 16 para. 68(1) (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, Sch. 2
- F39** S. 8(3) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 130(2); S.I. 1996/323, art. 4(b)(c)

#### Modifications etc. (not altering text)

- C30** S. 8(2): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 D1

#### [<sup>F409</sup> Registers of electors.

- (1) Each registration officer shall maintain—
- (a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and
  - (b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.
- (2) [<sup>F41</sup>Subject to any other provision of this Act, each register] shall contain—
- [<sup>F42</sup>(a) the names of persons who appear to the registration officer to be entitled to be registered in it and in respect of whom a successful application for registration has been made;]
  - (b) (subject to any prescribed exceptions) the qualifying addresses of the persons registered in it; and
  - (c) in relation to each such person, that person's electoral number.
- (3) A person's electoral number is such number (with or without any letters) as is for the time being allocated by the registration officer to that person as his electoral number for the purposes of the register in question.

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(4) Electoral numbers shall be allocated by a registration officer in such a way as to ensure, so far as is reasonably practicable, that in each separate part of a register the numbers run consecutively.

(5) The registers of parliamentary electors and of local government electors shall so far as practicable be combined, the <sup>F43</sup>entries] of persons registered only as parliamentary electors or local government electors being marked to indicate that fact.

[ In relation to the registration of local government electors in Scotland, the entry in <sup>F44</sup>(5A) the combined registers of any person aged 16 or 17 who is registered only as a local government elector must give the date on which the person will attain the age of 18.]

<sup>F45</sup>(6) . . . . .

(7) Where under this section two or more registration officers maintain registers of parliamentary electors in respect of different parts of the same constituency, then in relation to that constituency any reference in this Act (whether express or implied) to the register of parliamentary electors for a constituency shall be read—

- (a) as a reference to one of those registers, or
- (b) in relation to one of those registration officers, as the register maintained by him,

as the context may require.

(8) In this Act—

- (a) any reference, in relation to a registration officer, to “his” registers is a reference to the registers maintained by him under this section; and
- (b) “qualifying address”, in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered.]

#### Textual Amendments

- F40** S. 9 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 3**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)
- F41** Words in s. 9(2) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by **Electoral Registration and Administration Act 2013 (c. 6)**, s. 27(1), **Sch. 4 para. 5(a)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F42** S. 9(2)(a) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by **Electoral Registration and Administration Act 2013 (c. 6)**, s. 27(1), **Sch. 4 para. 5(b)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F43** Word in s. 9(5) substituted (E.W.S.) (1.1.2007) by **Electoral Administration Act 2006 (c. 22)**, ss. 10, 77, **Sch. 1 para. 4(3)**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 1, 12(a) (subject to transitional provisions and savings in **art. 6**, Sch. 2) (amendment extended to N.I. (15.9.2014) by **The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116)**, arts. 1(1), **2(2)**)
- F44** S. 9(5A) inserted (S.) (25.7.2015) by **Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7)**, **ss. 12, 21**
- F45** S. 9(6) omitted (13.5.2014) by virtue of **Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13)**, **ss. 18(1)(b)**, 28(4) (previously repealed (E.W.S.) (11.9.2006) by **Electoral Administration Act 2006 (c. 22)**, ss. 9(2), 74(2), 77, Sch. 2; S.I. 2006/1972, art. 3, Sch. 1 paras. 1, 26(2))

*Status: Point in time view as at 30/06/2017.*

*Changes to legislation: Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### **Modifications etc. (not altering text)**

- C31** S. 9 extended (with modifications) (N.I.) by [Elected Authorities \(Northern Ireland\) Act 1989](#) (c. 3, [SIF 42](#)) ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, [Sch. 3 para. 3\(5\)](#); S.I. 2001/116, [art. 2\(1\)](#) (with [art. 2\(3\)-\(5\)](#)))
- C32** S. 9 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, [reg. 13\(4\)\(5\)](#), [Sch. 4 Pt. I](#)  
S. 9 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/1184, [reg. 13\(3\)\(4\)](#), [Sch. 4 Pt. I](#)
- C33** S. 9 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008](#) (S.I. 2008/1741), [reg. 14\(3\)\(4\)](#), [Sch. 4](#)
- C34** S. 9(2)(3)(4)(7)(8) applied (with modifications) (9.4.2001) by S.I. 2001/1184, [reg. 9](#), Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, [regs. 1\(1\), 2\(3\)\(4\)](#), [Sch.](#))
- C35** S. 9(2) amendment by 2006 c. 22, Sch. 1 para. 4(2) extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014](#) (S.I. 2014/1116), [arts. 1\(1\), 2\(2\)](#)
- C36** S. 9(2)(b) excluded (E.W.) (16.2.2001) by S.I. 2001/341, [reg. 40\(1\)](#)  
S. 9(2)(b) excluded (S.) (16.2.2001) by S.I. 2001/497, [reg. 40\(1\)](#)
- C37** S. 9(2)(b) excluded (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008](#) (S.I. 2008/1741), [reg. 49\(1\)](#)
- C38** S. 9(2)(3)(4)(7)(8) applied (with modifications) (9.4.2001) by S.I. 2001/1184, [reg. 9](#), [Sch. Pt. I](#)

#### **[<sup>F46</sup>9A Registration officers: duty to take necessary steps**

- (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 [<sup>F47</sup>and [<sup>F48</sup>—
- (a) in the case of a registration officer in Great Britain, for the purpose of securing that, so far as is reasonably practicable, persons who are entitled to be registered in a register (and no others) are registered in it, and
  - (b) in the case of the Chief Electoral Officer for Northern Ireland, for the purpose of meeting the relevant registration objectives].]

(2) The steps include—

    - (a) sending more than once to any address the form to be used for the canvass under [<sup>F49</sup>section 9D][<sup>F50</sup>or 10] below;
    - (b) making on one or more occasions house to house inquiries under [<sup>F51</sup>section 9D(5) or 10(5)];
    - (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.

[ In relation to the registration of local government electors in Scotland, subsections <sup>F52</sup>(2A) (1) and (2)(b) do not require a registration officer to make house to house inquiries in relation to any person under the age of 16.]

- (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.]

*Status: Point in time view as at 30/06/2017.*

*Changes to legislation: Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Extent Information

- E1** S. 9A extended (N.I.) (13.5.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 18(1)(a)**, 28(4)

#### Textual Amendments

- F46** S. 9A inserted (E.W.S.) (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 9(1)**, 77; S.I. 2006/1972, **art. 3**, Sch. 1 para. 1 (subject to transitional provisions in art. 4, Sch. 2)
- F47** Words in s. 9A(1) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), **Sch. 4 para. 6(2)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F48** Words in s. 9A(1) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 18(3)(a)**, 28(4)(5)
- F49** Words in s. 9A(2)(a) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), **Sch. 4 para. 6(3)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F50** Words in s. 9A(2)(a) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 18(3)(b)**, 28(4)(5)
- F51** Words in s. 9A(2)(b) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), **ss. 18(3)(c)**, 28(4)(5)
- F52** S. 9A(2A) inserted (S.) (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\)](#), **ss. 2(1)**, 21

#### Modifications etc. (not altering text)

- C39** S. 9A applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), **ss. 6**, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))

### [<sup>F53</sup>9B Anonymus registration

[<sup>F54</sup>(1) An application under this section (an application for an anonymous entry) may be made—

- (a) by any person, in conjunction with an application for registration under section 10ZC [<sup>F55</sup>or 10A(1)(a)], or
- (b) by a person who already has an anonymous entry, for the purposes of remaining registered with such an entry (see section 9C(3)).

(1A) An application for an anonymous entry must be made in accordance with prescribed requirements and must be accompanied by—

- (a) a declaration made in accordance with prescribed requirements, and
- (b) such evidence in support as may be prescribed.

(2) A registration officer who receives an application for an anonymous entry must determine whether the safety test is satisfied (unless, in the case of an application under subsection (1)(a), the person's application for registration has been rejected otherwise than by virtue of this section).]

(3) If the registration officer determines that the safety test is satisfied—

- (a) section 9(2) above does not apply in relation to the person; and
- (b) the person's entry in the register shall instead contain letters in the prescribed form and his electoral number.

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- (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 [<sup>F56</sup>as the result of an application under subsection (1)(a)], the registration officer shall remove any other entry in the register for that person.
- [<sup>F57</sup>(6) If a person makes an application under subsection (1)(a) and the registration officer determines that the safety test is not satisfied, no entry is to be made in the register as a result of the person's application under section 10ZC [<sup>F58</sup>or 10A(1)(a)] (whether an anonymous entry or otherwise).]
- (7) Subsection (6) above does not affect—
- any other entry in the register for the person;
  - the determination of any further application for registration which is made by the person [<sup>F59</sup>(including an application which is treated as having been made by him by virtue of section 10A(2) below)]<sup>F60</sup>...
- (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.
- (9) [<sup>F61</sup>Subsection (8) does not apply to a communication relating only to a local government election in Scotland.]
- (10) The safety test is satisfied if the safety of the applicant for an anonymous entry or that of any other person of the same household would be at risk if the register contains the name of the applicant or his qualifying address.
- (11) In this section, “determines” means determines in accordance with regulations.

#### Extent Information

- E2** S. 9B: the extent of this provision is changed to E.W.S.N.I. at 15.9.2014 as a result of its extension to N.I. by [S.I. 2014/1116](#), [art. 2\(1\)](#)

#### Textual Amendments

- F53** Ss. 9B, 9C inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 10\(1\)](#), 77; [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 1](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#))
- F54** S. 9B(1)(1A)(2) substituted for s. 9B(1)(2) (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), [s. 27\(1\)](#), [Sch. 4 para. 7\(2\)](#) (with [Sch. 5](#)); [S.I. 2014/414](#), [art. 5\(m\)](#); [S.I. 2014/2439](#), [art. 2\(l\)](#)
- F55** Words in s. 9B(1)(a) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(2\)\(a\)](#)
- F56** Words in s. 9B(5) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), [s. 27\(1\)](#), [Sch. 4 para. 7\(3\)](#) (with [Sch. 5](#)); [S.I. 2014/414](#), [art. 5\(m\)](#); [S.I. 2014/2439](#), [art. 2\(l\)](#)
- F57** S. 9B(6) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), [s. 27\(1\)](#), [Sch. 4 para. 7\(4\)](#) (with [Sch. 5](#)); [S.I. 2014/414](#), [art. 5\(m\)](#); [S.I. 2014/2439](#), [art. 2\(l\)](#)
- F58** Words in s. 9B(6) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(2\)\(b\)](#)



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- F59** Words in s. 9B(7)(b) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), **3(2)(c)**
- F60** Words in s. 9B(7)(b) omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), **Sch. 4 para. 7(5)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F61** S. 9B(9) repealed (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 20(a)**, 63(2); S.S.I. 2007/26, **art. 2(1)(g)**

#### **Modifications etc. (not altering text)**

- C40** S. 9B extended (N.I.) (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), arts. 1(1), **2(1)**
- C41** S. 9B applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C42** S. 9B applied (with modifications) by [The European Parliamentary Elections \(Franchise of Relevant Citizens of the Union\) Regulations 2001 \(S.I. 2001/1184\)](#), reg. 9, **Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), Sch.; and as amended (15.9.2014) by S.I. 2014/1803, regs. 1(1), 8(2)(a))
- C43** S. 9B(8) modified by [Local Government Act 1972 \(c. 70\)](#), **Sch. 12 para. 29A(6)(b)** (as inserted (W.) (30.4.2012) by [Local Government \(Wales\) Measure 2011 \(nawm 4\)](#), **ss. 97**, 178(3); S.I. 2012/1187, art. 2(1)(k))

## **9C Removal of anonymous entry**

- (1) If a person has an anonymous entry in a register [<sup>F62</sup>maintained by a registration officer in Great Britain], his entitlement to remain registered <sup>F63</sup>... terminates—
- at the end of the period of 12 months beginning with the date when the entry in the register first takes effect, or
  - 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.

<sup>F64</sup> [ If a person (“P”) has an anonymous entry in a register maintained by the Chief Electoral Officer for Northern Ireland, P’s entitlement to remain registered terminates at the end of such period of five years or less beginning with the relevant date, as that officer determines in relation to P.

- (1B) But if, at any time before the expiry of the period determined under subsection (1A)—
- the declaration made for the purposes of section 9B is cancelled, or
  - the Chief Electoral Officer determines that the safety test is no longer satisfied,
- P’s entitlement to remain registered terminates at that time.

- (1C) In subsection (1A) “the relevant date” means—
- where P’s anonymous entry is the result of an application under section 9B(1)
    - the date when P’s entry in the register first takes effect; or
  - where P’s anonymous entry is the result of an application under section 9B(1)
    - the date when the Chief Electoral Officer determines under section 9B(2) that the safety test is satisfied.

- (1D) Subsection 9B(10) (meaning of “safety test”) applies for the purposes of subsection (1B) (treating references to the applicant for an anonymous entry as references to P).

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- (1E) A determination under subsection (1A) or (1B) must be made in accordance with regulations.]
- (2) [<sup>F65</sup>This section] 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 [<sup>F66</sup>the time at which it would terminate under this section.]
- (3) If a person's entitlement to remain registered terminates by virtue of [<sup>F67</sup>this section], 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 <sup>F68</sup>... a further application under section 9B.]

#### Extent Information

- E3** S. 9C: the extent of this provision is changed to E.W.S.N.I. at 15.9.2014 as a result of its extension to N.I. by [S.I. 2014/1116](#), [art. 2\(1\)](#)

#### Textual Amendments

- F53** Ss. 9B, 9C inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 10\(1\)](#), 77; [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 1](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#))
- F62** Words in s. 9C(1) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(3\)\(a\)](#)
- F63** Words in s. 9C(1) omitted (10.6.2014 for E.W., 15.9.2014 for N.I.) by virtue of [Electoral Registration and Administration Act 2013 \(c. 6\)](#), [s. 27\(1\)](#), [Sch. 4 para. 8\(2\)](#) (with [Sch. 5](#)); [S.I. 2014/414](#), [art. 5\(m\)](#); [S.I. 2014/2439](#), [art. 2\(l\)](#)
- F64** S. 9C(1A)-(1E) inserted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(3\)\(b\)](#)
- F65** Words in s. 9C(2) substituted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(3\)\(c\)\(i\)](#)
- F66** Words in s. 9C(2) substituted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(3\)\(c\)\(ii\)](#)
- F67** Words in s. 9C(3) substituted (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [3\(3\)\(d\)](#)
- F68** Words in s. 9C(3) omitted (10.6.2014 for E.W., 15.9.2014 for N.I.) by virtue of [Electoral Registration and Administration Act 2013 \(c. 6\)](#), [s. 27\(1\)](#), [Sch. 4 para. 8\(3\)](#) (with [Sch. 5](#)); [S.I. 2014/414](#), [art. 5\(m\)](#); [S.I. 2014/2439](#), [art. 2\(l\)](#)

#### Modifications etc. (not altering text)

- C44** S. 9C extended (N.I.) (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\)](#), [2\(1\)](#)
- C45** S. 9C applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), [ss. 6](#), [13\(1\)](#), [sch. 1 Pts. 1](#), [2](#) (with [s. 13\(2\)](#))
- C46** S. 9C applied (with modifications) by [The European Parliamentary Elections \(Franchise of Relevant Citizens of the Union\) Regulations 2001 \(S.I. 2001/1184\)](#), [reg. 9](#), [Sch. Pt. I](#) (as substituted (17.3.2009) by [S.I. 2009/726](#), [regs. 1\(1\)](#), [2\(3\)\(4\)](#), [Sch.](#); and as amended (15.9.2014) by [S.I. 2014/1803](#), [regs. 1\(1\)](#), [8\(2\)\(b\)](#))

#### [<sup>F69</sup>9D] Maintenance of registers: duty to conduct canvass in Great Britain

- (1) Each registration officer in Great Britain must conduct an annual canvass in relation to the area for which the officer acts.

*Status: Point in time view as at 30/06/2017.*

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- (2) The purpose of the canvass is to ascertain—
  - (a) the names and addresses of persons who are entitled to be registered in a register maintained by the officer but who are not registered;
  - (b) those persons who are registered in such a register but who are not entitled to be registered.
- (3) The canvass is to be conducted in a manner to be set out in regulations.
- (4) The regulations may confer functions on the Electoral Commission (for example, the Commission may be required to design a canvass form).
- (5) A registration officer may make house to house inquiries for the purposes of the canvass, for example—
  - (a) to obtain information before sending out a canvass form,
  - (b) to supplement information provided on a canvass form, or
  - (c) to obtain information where no canvass form is returned.
- (6) Nothing in this section applies in relation to—
  - (a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3) or mental hospitals (within the meaning of section 7) or other places at which persons to whom section 7A applies may be detained,
  - (b) the registration of persons in pursuance of declarations of local connection, service declarations or overseas electors' declarations, or
  - (c) the registration of persons with anonymous entries in the register.]

#### Textual Amendments

**F69** S. 9D inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 4, 27\(1\)](#) (with [Sch. 5](#)); [S.I. 2014/414, art. 5\(d\)](#); [S.I. 2014/2439, art. 2\(c\)](#)

#### Modifications etc. (not altering text)

**C47** S. 9D: power to modify conferred (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 7\(2\), 27\(1\)](#) (with [Sch. 5](#)); [S.I. 2014/414, art. 5\(f\)](#); [S.I. 2014/2439, art. 2\(e\)](#)

**C48** S. 9D(3) excluded (temp.) (E.W.) (13.7.2016) by [The Electoral Registration Pilot Scheme \(England\) Order 2016 \(S.I. 2016/739\), arts. 1\(1\), 3, 4](#)

**C49** S. 9D(3) excluded (temp. until 6.7.2018) (E.W.) (30.6.2017) by [The Electoral Registration Pilot Scheme \(England and Wales\) Order 2017 \(S.I. 2017/610\), arts. 1\(1\), 4](#)

**C50** S. 9D(3) excluded (temp. until 6.7.2018) (S.) (30.6.2017) by [The Electoral Registration Pilot Scheme \(Scotland\) Order 2017 \(S.I. 2017/605\), arts. 1\(1\), 4](#)

#### [<sup>F70</sup>9E Maintenance of registers: invitations to register in Great Britain

- (1) A registration officer in Great Britain must give a person an invitation to apply for registration in a register maintained by the officer if—
  - (a) the officer is aware of the person's name and address,
  - (b) the person is not registered in the register, and
  - (c) the officer has reason to believe that the person may be entitled to be registered in the register.

*Status: Point in time view as at 30/06/2017.*

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- (2) Regulations may make provision about invitations under subsection (1), including—
- (a) provision about the form and contents of invitations;
  - (b) provision about the giving of invitations (for example, provision about the manner in which they must be given or how often they must be given);
  - (c) provision requiring invitations to be accompanied by, or combined with, application forms or other documents (including partially completed application forms).
- (3) Regulations under subsection (2) may confer functions on the Electoral Commission (for example, the Commission may be required to design an invitation).
- (4) A registration officer who gives a person an invitation under subsection (1) may subsequently require the person to make an application for registration by a specified date.
- (5) A requirement under subsection (4) is of no effect if the person is not entitled to be registered.
- (6) Regulations—
- (a) may make provision about requirements under subsection (4) (including provision for them to be cancelled in specified circumstances);
  - (b) may specify steps that a registration officer must take before imposing a requirement.
- (7) A registration officer may impose a civil penalty on a person who fails to comply with a requirement imposed by the officer under subsection (4).
- [ In relation to the registration of local government electors in Scotland, subsection (7)
- <sup>F71</sup>(7A) does not apply to a person who was under the age of 16 at the time the requirement was imposed.]
- (8) For more about civil penalties under this section, see Schedule ZA1.]

#### Textual Amendments

**F70** S. 9E inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 5\(1\), 27\(1\)](#) (with Sch. 5); S.I. 2014/414, [art. 5\(e\)](#); S.I. 2014/2439, [art. 2\(d\)](#)

**F71** S. 9E(7A) inserted (S.) (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\), ss. 3\(1\), 21](#)

[<sup>F74</sup>**10 Maintenance of registers: [<sup>F72</sup>duty to conduct canvass][<sup>F73</sup>in Northern Ireland].**

<sup>F75</sup>(1) .....

[ The Chief Electoral Officer for Northern Ireland must conduct a canvass in Northern

<sup>F76</sup>(1A) Ireland in such years as are determined in accordance with section 10ZA.]

- (2) The canvass [<sup>F77</sup>under subsection <sup>F78</sup>... (1A)] shall be conducted by reference to residence on 15th October in [<sup>F79</sup>the year in which it is conducted].
- (3) A canvass [<sup>F80</sup>under this section] shall not, however, be concerned with—

*Status: Point in time view as at 30/06/2017.*

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- (a) the registration of persons in respect of residence in penal institutions (within the meaning of section 3 above) or mental hospitals (within the meaning of section 7 above) or other places at which persons to whom section 7A above applies may be detained; or
- (b) the registration of persons in pursuance of—
  - (i) declarations of local connection,
  - (ii) service declarations, or
  - (iii) overseas electors' declarations<sup>F81</sup>; or
- (c) the registration of persons with anonymous entries in the register.]

<sup>F82</sup>(4) The form to be used for the purposes of a canvass under this section must <sup>F83</sup>comply with such requirements as to its form or content as shall be prescribed by the Secretary of State after having consulted the Electoral Commission].]

[ Subject to subsection (4B) below, the information to be obtained by the use of such <sup>F84</sup>(4A) a form <sup>F85</sup>... shall include—

- (a) the signature of each of the persons in relation to whom the form is completed;
- (b) the date of birth of each such person; and
- (c) in relation to each such person—
  - (i) his national insurance number or a statement that he does not have one,
  - <sup>F86</sup>(ii) ..... and
  - (iii) 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),

and the power in subsection (4) above to <sup>F87</sup>prescribe requirements] includes power to give effect to the requirements of this subsection.

(4B) The Chief Electoral Officer for Northern Ireland may dispense with the requirement mentioned in subsection (4A)(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 <sup>F88</sup>blindness or any other disability] of his or because he is unable to read.]

<sup>F89</sup>(4BA) [ If requested to do so by the Secretary State for the purposes of making regulations under subsection (4), the Electoral Commission must design a form for the purposes of a canvass under this section.]

(5) In connection with a canvass <sup>F90</sup>under this section the Chief Electoral Officer for Northern Ireland] may, for the purpose of—

- (a) supplementing the information obtained by the use of any such form, or
- (b) where any such form has not been returned, obtaining any information designed to be obtained by the use of the form,

make such house to house inquiries as he thinks fit.

(6) On the conclusion of a canvass <sup>F91</sup>under this section the Chief Electoral Officer for Northern Ireland] shall make such alterations in his registers as fall to be made in accordance with section 10A below as a result of the canvass.

(7) In this section “residence” means residence for the purposes of section 4 above.]

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### Textual Amendments

- F72** S. 10: words in heading substituted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 2(5)**, 31; S.I. 2006/2688, **art. 3(1)(2)(a)**
- F73** Words in s. 10 heading inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 9(9)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F74** Ss. 10, 10A substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 10 by 2000 c. 2, s. 8(a), **Sch. 1 para. 4**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F75** S. 10(1) omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 9(2)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F76** S. 10(1A) inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 2(3)**, 31; S.I. 2006/2688, **art. 3(1)(2)(a)**
- F77** Words in s. 10(2) substituted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 2(4)(a)**, 31; S.I. 2006/2688, **art. 3(1)(2)(a)**
- F78** Words in s. 10(2) omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 9(3)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F79** Words in s. 10(2) substituted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 2(4)(b)**, 31; S.I. 2006/2688, **art. 3(1)(2)(a)**
- F80** Words in s. 10(3) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 9(4)(a)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F81** S. 10(3)(c) and preceding word inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10(2), 77, **Sch. 1 para. 5**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 12(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **2(2)**)
- F82** S. 10(4) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 9(5)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F83** Words in s. 10(4) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 13(1)(a)**, 28(4) (with s. 13(3)(a)(b))
- F84** S. 10(4A)(4B) inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), **s. 1(2)**; S.I. 2002/1648, **art. 3**
- F85** Words in s. 10(4A) omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 9(6)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F86** S. 10(4A)(c)(ii) repealed (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 14(1)(a)(iv)**, 28; S.I. 2014/2613, art. 2(2)(a)
- F87** Words in s. 10(4A) substituted (13.5.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 13(1)(b)**, 28(4)
- F88** Words in s. 10(4B) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, **Sch. 1 para. 105**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(bb)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316), {arts. 2(2)}, 4
- F89** S. 10(4BA) inserted (13.5.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 13(1)(c)**, 28(4) (with s. 13(3)(c))
- F90** Words in s. 10(5) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 9(7)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)



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**F91** Words in s. 10(6) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 4 para. 9\(8\)](#) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(1)

**Modifications etc. (not altering text)**

- C51** Ss. 10-11 extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\), ss. 2, 13\(6\), Sch. 1 Pt. 1](#) (as amended (16.2.2001) by 2000 c. 2, s. 8, [Sch. 3 para. 3\(5\)](#)); S.I. 2001/116, [art. 2\(1\)](#) (with art. 2(3)-(5))
- C52** S. 10 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\), ss. 6, 13\(1\), sch. 1 Pts. 1, 2](#) (with s. 13(2))
- C53** S. 10(2) excluded (E.W.S.) (27.3.2013) by [The Electoral Registration \(Postponement of 2013 Annual Canvass\) Order 2013 \(S.I. 2013/794\), arts. 1\(1\), 4\(1\)\(a\)](#)

[<sup>F92</sup>**10ZANorthern Ireland: timing of canvass**

- (1) A canvass under section 10(1A) must be conducted in—
  - (a) the year 2010, unless the Secretary of State makes an order providing that the requirement in this paragraph does not apply;
  - (b) every tenth year following 2010.
- (2) A canvass under section 10(1A) must be conducted in an intervening year if—
  - (a) on or before 15th April in that year, the Chief Electoral Officer for Northern Ireland has made a recommendation in favour of a canvass being conducted in that year for the purpose of meeting the relevant registration objectives, and
  - (b) the Secretary of State, having considered the recommendation, has notified the Chief Electoral Officer that he is satisfied that the public interest requires a canvass to be conducted for that purpose.
- (3) If no canvass under section 10(1A) is conducted before the end of 2015, a canvass must be conducted in 2016.
- (4) “Intervening year” means a year other than—
  - (a) 2010,
  - (b) every tenth year following 2010, and
  - (c) if no canvass under section 10(1A) is conducted before the end of 2015, 2016.
- (5) The Secretary of State may not make an order under subsection (1)(a) unless—
  - (a) on or before 15th April 2010, the Chief Electoral Officer for Northern Ireland has made a recommendation against a canvass being conducted in the year 2010 for the purpose of meeting the relevant registration objectives, and
  - (b) the Secretary of State, having considered the recommendation, is satisfied that the public interest does not require a canvass to be conducted for that purpose.
- (6) The power to make an order under subsection (1)(a) is exercisable by statutory instrument.
- (7) No order is to be made under subsection (1)(a) unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (8) “Recommendation” means a written recommendation to the Secretary of State.]

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**Textual Amendments**

**F92** S. 10ZA inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 3, 31; S.I. 2006/2688, art. 3(1)(2)(a)

**Modifications etc. (not altering text)**

**C54** S. 10ZA extended (Northern Ireland) (with modifications) (1.12.2006) by 1989 c. 3, Sch. 1 (as amended by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, Sch. 4 para. 7(2)(a); S.I. 2006/2688, art. 3(2)(c))

[<sup>F93</sup> **10ZB** The relevant registration objectives (Northern Ireland)]

- (1) The relevant registration objectives are to secure, so far as reasonably practicable—
  - (a) that every person who is entitled to be registered in a register is registered in it,
  - (b) that no person who is not entitled to be registered in a register is registered in it, and
  - (c) that none of the required information relating to any person registered in a register is false.
- (2) But, in applying subsection (1), the registrations of the persons mentioned in section 10(3) (registrations with which a canvass is not concerned) must be disregarded.
- (3) “Register” means a register maintained by the Chief Electoral Officer for Northern Ireland under section 9.
- (4) “The required information” means the following (as appearing in the register or other records of the Chief Electoral Officer)—
  - (a) the person's name;
  - (b) the person's qualifying address;
  - (c) the person's date of birth;
  - (d) subject to subsections (5) and (6), the person's signature;
  - (e) the person's national insurance number or a statement that he does not have one.
- (5) The required information does not include the person's signature if—
  - (a) the Chief Electoral Officer has dispensed with the requirement to provide a signature,<sup>F94</sup> ...
  - <sup>F94</sup>(b) .....
- <sup>F95</sup>(6) .....
- (7) “False”, in relation to a signature, means that the signature is not the usual signature of, or was written by a person other than, the person whose signature it purports to be.
- <sup>F96</sup>(8) ..... ]

**Textual Amendments**

**F93** S. 10ZB inserted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 4, 31; S.I. 2006/2688, art. 3(1)(2)(a)

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- F94** S. 10ZB(5)(b) and preceding word repealed (2.4.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 23\(2\), 27\(1\)](#); S.I. 2013/702, art. 3(e)
- F95** S. 10ZB(6) repealed (2.4.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 23\(2\), 27\(1\)](#); S.I. 2013/702, art. 3(e)
- F96** S. 10ZB(8) repealed (2.4.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 23\(2\), 27\(1\)](#); S.I. 2013/702, art. 3(e)

**Modifications etc. (not altering text)**

- C55** S. 10ZB extended (Northern Ireland) (with modifications) (1.12.2006) by [1989 c. 3, Sch. 1](#) (as amended by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\), ss. 30\(1\), 31, Sch. 4 para. 7\(2\)\(a\)](#); S.I. 2006/2688, art. 3(2)(c))

[<sup>F97</sup> **10ZC Registration of electors in Great Britain**

- (1) A registration officer in Great Britain must enter a person (“P”) in a register maintained by the officer if—
- an application for registration is made by someone who appears to the officer to be P,
  - any requirements imposed by or under this Act in relation to the application are met, and
  - P appears to the officer to be entitled to be registered in the register.

(2) In determining an application under this section, the officer must consider any objection made in accordance with the prescribed requirements by another person whose name appears in the register.

(3) Regulations may make provision about the procedure for determining applications under this section.

[ The power to make regulations under this section, so far as it is exercisable by a  
<sup>F98</sup>(4) Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.

(5) The power of the Scottish Ministers to make regulations by virtue of subsection (4) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—

- the power is not exercisable without the agreement of a Minister of the Crown, and
- regulations made in exercise of the power are subject to the negative procedure.

(6) In this section—

“election in Scotland” means—

- an election for membership of the Scottish Parliament, or
- a local government election in Scotland;

“UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.]]

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#### Textual Amendments

- F97** S. 10ZC inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 1\(1\), 27\(1\)](#) (with [Sch. 5](#)); S.I. 2014/414, [art. 5\(a\)](#); S.I. 2014/2439, [art. 2\(a\)](#)
- F98** S. 10ZC(4)-(6) inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\), ss. 6\(2\), 72\(4\)\(a\)](#); S.I. 2017/608, [reg. 2\(1\)\(d\)](#)

#### [<sup>F99</sup>10ZDRegistration of electors in Great Britain: alterations

- (1) A registration officer in Great Britain must alter the name or address in respect of which a person (“P”) is registered in a register maintained by the officer if—
    - (a) an application for alteration is made by someone who appears to the officer to be P,
    - (b) any requirements imposed by or under this Act in relation to the application are met, and
    - (c) P appears to the officer to be entitled to be registered in the register in respect of the new name or the new address (as the case may be).
  - (2) In determining an application under this section, the officer must consider any objection made in accordance with the prescribed requirements by another person whose name appears in the register.
  - (3) Regulations may make provision about the procedure for determining applications under this section.
- [ The power to make regulations under this section, so far as it is exercisable by a
- <sup>F100</sup>(4) Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.
- (5) The power of the Scottish Ministers to make regulations by virtue of subsection (4) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—
    - (a) the power is not exercisable without the agreement of a Minister of the Crown, and
    - (b) regulations made in exercise of the power are subject to the negative procedure.
  - (6) In this section “election in Scotland” and “UK digital service” have the same meaning as in section 10ZC.]]

#### Textual Amendments

- F99** Ss. 10ZD, 10ZE inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\), s. 27\(1\), Sch. 1 para. 1](#) (with [Sch. 5](#)); S.I. 2014/414, [art. 5\(k\)](#); S.I. 2014/2439, [art. 2\(j\)](#)
- F100** S. 10ZD(4)-(6) inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\), ss. 6\(3\), 72\(4\)\(a\)](#); S.I. 2017/608, [reg. 2\(1\)\(d\)](#)

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## [<sup>F99</sup>10ZERemoval of electors in Great Britain from register

- (1) Where a person is entered in a register in respect of an address in Great Britain, the person is entitled to remain registered until the registration officer concerned determines that—
  - (a) the person was not entitled to be registered in respect of the address,
  - (b) the person has ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration set out in section 4, or
  - (c) the person was registered as the result of an application under section 10ZC made by some other person or the person's entry has been altered as the result of an application under section 10ZD made by some other person.
- (2) Where a person's entitlement to remain registered terminates by virtue of subsection (1), the officer must remove the person's entry from the register.
- (3) A registration officer may make house to house inquiries for the purpose of deciding whether or not to make a determination under subsection (1).
- (4) Regulations may make provision about the procedure for making determinations under subsection (1), which may include provision requiring an officer to take prescribed steps before making a determination.
- (5) A registration officer in Great Britain must consider whether to make a determination under subsection (1) if the officer—
  - (a) receives an objection to a person's registration in a register maintained by the officer, or
  - (b) otherwise becomes aware of information that causes the officer to suspect that a condition in subsection (1)(a) to (c) may be met in relation to a person's entry in such a register.
- (6) Subsection (5)(a)—
  - (a) applies only if the objection to the person's registration is made in accordance with the prescribed requirements by someone whose name appears in the register, and
  - (b) does not apply if the person has an anonymous entry in the register.
- (7) Nothing in this section applies in relation to the registration of persons in pursuance of—
  - (a) applications for registration made by virtue of section 7(2) or 7A(2), or
  - (b) declarations of local connection, service declarations or overseas electors' declarations.
- (8) In this section “resident” means resident for the purposes of section 4.]

### Textual Amendments

**F99** Ss. 10ZD, 10ZE inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 1 para. 1** (with Sch. 5); S.I. 2014/414, **art. 5(k)**; S.I. 2014/2439, **art. 2(j)**

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**<sup>F102</sup>10A Maintenance of the registers: registration of electors [<sup>F101</sup>in Northern Ireland].**

(1) [<sup>F103</sup>The Chief Electoral Officer for Northern Ireland] shall determine all applications for registration which are—

- (a) made to him in accordance with the prescribed requirements, or
- (b) treated as made to him by virtue of subsection (2) below.

[<sup>F104</sup>(1A) Subject to subsection (1B) below, an application for registration in respect of an address in Northern Ireland shall include—

- (a) the signature of each of the persons to whom the application relates;
- (b) the date of birth of each such person; and
- (c) in relation to each such person—
  - (i) his national insurance number or a statement that he does not have one,
  - <sup>F105</sup>(ii) . . . . . and
  - (iii) any other address in the United Kingdom in respect of which he is or has applied to be registered,

and the power in subsection (1) above to prescribe requirements includes power to give effect to the requirements of this subsection.

(1B) The Chief Electoral Officer for Northern Ireland may dispense with the requirement mentioned in subsection (1A)(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 [<sup>F106</sup>blindness or any other disability] of his or because he is unable to read.]

(2) Where—

- (a) in connection with a canvass under section 10 above, the form completed in respect of any address specifies any person as a person who is entitled to be registered in a register, and
- (b) that person is not for the time being registered in the register in respect of that address,

he shall be treated as having made<sup>F107</sup> . . . an application for registration in the register in respect of that address.

[<sup>F108</sup>(2A) The application referred to in subsection (2) above shall <sup>F109</sup>... be treated as made on the 15th October in the year in question.]

(3) [<sup>F110</sup>The Chief Electoral Officer for Northern Ireland] shall also determine all objections to a person's registration [<sup>F111</sup>in Northern Ireland] made in accordance with the prescribed requirements by another person whose name appears in the register in question.

[<sup>F112</sup>(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.]

[<sup>F113</sup>(3B) No objection to a person's registration may be made if the person has an anonymous entry in the register.]

(4) Subsections (1) and (3) above apply to applications and objections [<sup>F114</sup>in Northern Ireland] asking—

- (a) for the omission, insertion or alteration of a date as that on which a person will become of voting age and entitled to registration, or



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- (b) for the alteration of the qualifying address in respect of which a person is registered,  
as they apply to applications for registration and objections to a person's registration respectively.
- (5) [<sup>F115</sup>Subject to subsection (5A) below,] where <sup>F116</sup>... a person ("the elector") is <sup>F117</sup>... entered in a register in respect of any address [<sup>F118</sup>in Northern Ireland], the elector is entitled to remain registered in the register in respect of that address until such time as [<sup>F119</sup>the Chief Electoral Officer for Northern Ireland]—
- (a) determines, on the conclusion of a canvass under section 10 above, that the elector was not resident at that address on the 15th October in question, or that because—
- (i) the form mentioned in section 10(4) above was not returned in respect of that address, or
- (ii) for any other reason, insufficient information was obtained as to whether the elector was resident at that address on that date,  
[<sup>F120</sup>the Officer is] unable to satisfy himself that the elector was then so resident at that address, or
- [<sup>F121</sup>(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.]
- [<sup>F122</sup>(5A) A person's name is to be removed from the register in respect of any address if—
- (a) the form mentioned in section 10(4) above in respect of that address does not include all the information relating to him required by virtue of section 10(4A) above; or
- (b) [<sup>F123</sup>the Chief Electoral Officer for Northern Ireland] determines that he is not satisfied with the information relating to that person which was included in that form pursuant to that requirement.]
- [<sup>F124</sup>(5B) [<sup>F125</sup>The Chief Electoral Officer for Northern Ireland] 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.]
- (6) Where the entitlement of a person to remain registered in a register in respect of any address terminates by virtue of subsection (5) above, [<sup>F126</sup>or his name is to be removed from it by virtue of subsection (5A) above,][<sup>F127</sup>the Chief Electoral Officer for Northern Ireland] shall remove that person's entry from the register once the officer has satisfied any prescribed requirements applying in relation to the removal of that entry.
- (7) Subsection (6) above does not apply if, or to the extent that, regulations so provide in relation to any prescribed circumstances; and regulations may, in particular, authorise [<sup>F128</sup>the Chief Electoral Officer for Northern Ireland] to retain entries in his registers for the prescribed period if he thinks fit in cases where the form mentioned in section 10(4) above has not been returned in respect of any address.
- (8) Nothing in subsection (5)[<sup>F129</sup>, (5A)] or (6) applies in relation to the registration of persons in pursuance of—
- (a) applications for registration made by virtue of section 7(2) or 7A(2) above; or
- (b) declarations falling within section 10(3)(b) above.
- (9) In this section—

*Status: Point in time view as at 30/06/2017.*

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“determines” means determines in accordance with regulations;  
“resident” means resident for the purposes of section 4 above.

### Textual Amendments

- F101** Words in s. 10A heading inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(12)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F102** Ss. 10, 10A substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 10 by 2000 c. 2, s. 8(a), **Sch. 1 para. 4**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F103** Words in s. 10A(1) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(2)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F104** S. 10A(1A)(1B) inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. **1(3)(a)**; S.I. 2002/1648, **art. 3**
- F105** S. 10A(1A)(c)(ii) repealed (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 14(1)(a)(v)**, 28; S.I. 2014/2613, art. 2(2)(a)
- F106** Words in s. 10A(1B) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 106**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(aa)(bb)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F107** Words in s. 10A(2) repealed (4.9.2009) by virtue of Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), Sch. 6 para. 1(2), **Sch. 7**; S.I. 2009/2395, **art. 2** (with art. 3)
- F108** S. 10A(2A) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), **Sch. 6 para. 1(3)**; S.I. 2009/2395, **art. 2** (with art. 3)
- F109** Words in s. 10A(2A) omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(3)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F110** Words in s. 10A(3) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(4)(a)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F111** Words in s. 10A(3) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(4)(b)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F112** S. 10A(3A) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 12(4)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(a) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**
- F113** S. 10A(3B) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, Sch. 1 para. 6(2), **Sch. 2**; S.I. 2006/3412, art. 3, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **2(2)**)
- F114** Words in s. 10A(4) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(6)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F115** Words in s. 10A(5) inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. **1(3)(b)**; S.I. 2002/1648, **art. 3**
- F116** Words in s. 10A(5) repealed (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, Sch. 1 para. 6(3), **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 1, 12(a), 13(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **2(2)**)
- F117** Word in s. 10A(5) repealed (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 12(5)(a)**, 74(2), 77, **Sch. 2**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 13(a), 14(a) (subject to transitional provisions in art. 6, Sch. 2)

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- F118** Words in s. 10A(5) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(7)(a)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F119** Words in s. 10A(5) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(7)(b)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F120** Words in s. 10A(5) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(7)(c)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F121** S. 10A(5)(b) substituted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 12(5)(b), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(a) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**
- F122** S. 10A(5A) inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), **s. 1(3)(e)**; S.I. 2002/1648, **art. 3**
- F123** Words in s. 10A(5A)(b) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(8)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F124** S. 10A(5B) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 12(6), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(a) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**
- F125** Words in s. 10A(5B) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(9)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F126** Words in s. 10A(6) inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), **s. 1(3)(d)**; S.I. 2002/1648, **art. 3**
- F127** Words in s. 10A(6) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(10)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F128** Words in s. 10A(7) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 10(11)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F129** Words in s. 10A(8) inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), **s. 1(3)(e)**; S.I. 2002/1648, **art. 3**

**Modifications etc. (not altering text)**

- C56** S. 10A extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3), ss. 2, 13(6), Sch.1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**; S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5))
- C57** S. 10A applied (with modifications) by The European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001 (S.I. 2001/1184), reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)
- C58** S. 10A applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C59** S. 10A(2A) applied (with modifications) (E.W.S.) (27.3.2013) by The Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 (S.I. 2013/794), arts. 1(1), **2(4)**
- C60** S. 10A(5)(a) applied (with modifications) (E.W.S.) (27.3.2013) by The Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 (S.I. 2013/794), arts. 1(1), **2(5)**
- C61** S. 10A(6) excluded by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 46B (as inserted (N.I.) (18.7.2013) by S.I. 2013/1846, regs. 1(1), **3(1)**)

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#### Textual Amendments

**F130** S. 11 repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 5(a), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

<sup>F131</sup>**12** .....

#### Textual Amendments

**F131** S. 12 repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 5(b), **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))

#### [<sup>F132</sup>**13** Publication of registers.

- [<sup>F133</sup>(1) Each registration officer must for each year publish a revised version of his registers—
- (a) if there is a canvass in his area in that year, during the period starting with the end of the canvass in that year and ending with 1st December in that year or such later date as may be prescribed, or
  - (b) if (in Northern Ireland) there is no canvass in that year, on 1st December in that year or by such later date as may be prescribed.]

[ Subsection (1)(a) above has effect, in the case of a registration officer acting for an

<sup>F134</sup>(1A) area in which (or in part of which) an election to which section 13B below applies is held during the period—

- (a) starting with 1st July in the year in question, and
- (b) ending with 1st December in that year,

as if for “1st December in that year” there were substituted 1st February in the following year.]

- (2) The revised versions of the registers shall incorporate—
  - (a) all the alterations which are required to be made in them as mentioned in section 10(6) above; and
  - (b) any alterations which are required to be made by virtue of section 13A(3) [<sup>F135</sup>or (3A)] below.
- (3) A registration officer may in addition, if he thinks fit, publish a revised version of either of his registers at any time between—
  - (a) the time when the register was last published in accordance with subsection (1) above, and
  - (b) the time when it is due to be next so published;
 and a registration officer proposing to publish a revised version of a register in accordance with this subsection must publish notice of his intention to do so by such time and in such manner as may be prescribed.
- (4) When revising a register for publication under this section the registration officer shall make such changes affecting the electoral numbers of persons registered in the register as he considers necessary in order to comply with section 9(4) above.

*Status: Point in time view as at 30/06/2017.*

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- (5) Where a revised version of a register is published at any time under this section, the register has effect in the form in which it is so published as from that time until the time when—
- (a) a revised version is next so published, or
  - (b) if earlier, any alteration to the register takes effect under [<sup>F136</sup>any of sections 13A to [<sup>F137</sup>13BC]] below.
- (6) Any reference in this section or section 13A below to the publication of a revised version of the register is to its publication in accordance with regulations made in pursuance of paragraphs 10A and 10B(1)(a) of Schedule 2 to this Act.]

#### Textual Amendments

- F132** Ss. 13-13B substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 13 by 2000 c. 2, s. 8(a), **Sch. 1 para. 6**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F133** S. 13(1) substituted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 5(1), 31**; S.I. 2006/2688, **art. 3(1)(2)(a)**
- F134** S. 13(1A) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 23(2)**, 43(1); S.I. 2009/2395, **art. 2** (with art. 3)
- F135** Words in s. 13(2)(b) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 11(2)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F136** Words in s. 13(5)(b) substituted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), **ss. 39, 43(1)**, **Sch. 6 para. 2**; S.I. 2009/2395, **art. 2** (with art. 3)
- F137** Word in s. 13(5)(b) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 2**; S.I. 2016/290, reg. 2

#### Modifications etc. (not altering text)

- C62** S. 12-17 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **ss. 2, 13(6)**, **Sch. 1 Pt. I** (as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**); S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5))
- C63** S. 13 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), **Sch. 4 Pt. I**  
S. 13 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. I**  
S. 13 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4)**, **Sch.**)
- C64** S. 13 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 14(3)(4), **Sch. 4**
- C65** S. 13(1) excluded (E.W.S.) (27.3.2013) by The Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 (S.I. 2013/794), **arts. 1(1), 4(1)(b)**
- C66** S. 13(1) excluded (E.W.S.) (19.9.2014) by The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013 (S.I. 2013/3197), **arts. 1, 14(2)(a)**
- C67** S. 13(1)(a) modified (N.I.) (22.10.2003) by The Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003 (Consequential Modifications) Order 2003 (S.I. 2003/2696), **art. 2**
- C68** S. 13(1A) excluded (E.W.S.) (27.3.2013) by The Electoral Registration (Postponement of 2013 Annual Canvass) Order 2013 (S.I. 2013/794), **arts. 1(1), 4(1)(b)**
- C69** S. 13(1A) excluded (E.W.S.) (19.9.2014) by The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013 (S.I. 2013/3197), **arts. 1, 14(2)(a)**

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### <sup>F138</sup>13A Alteration of registers.

(1) This section applies where, at any time (“the relevant time”) after the publication of a revised version of a register by a registration officer under section 13 above, the registration officer—

- <sup>F139</sup>(za) is required by section 10ZC(1) to enter a person in the register;
- (zb) is required by section 10ZD(1) to alter a person's entry in the register;
  - (a) on an application for registration [<sup>F140</sup>in Northern Ireland] being made by any person in accordance with the prescribed requirements, determines that that person is entitled to be so registered;
  - (b) is required, by virtue of any provision of this Part of this Act, to remove a person's entry from the register;
  - (c) is notified of any decision on an appeal by virtue of section 56 [<sup>F141</sup>or 58] below which requires any such alteration in the register as is mentioned in subsection (4) of that section; or
  - (d) determines that the register contains any clerical error [<sup>F142</sup>or, in the case of a registration officer in Great Britain, determines that the register contains any information that is incorrect].

(2) In such a case the registration officer shall (subject to subsection (3) below) issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

- (a) the notice shall be so issued by him—
  - (i) on the first day of the month which follows that in which the relevant time falls, or
  - (ii) if that day is less than 14 days after that time, on the first day of the month immediately following that month; and
- (b) (subject to [<sup>F143</sup>sections 13B(1) and 13BA(1)] below) the alteration in question shall have effect as from the beginning of the day on which the notice is issued.

<sup>F144</sup>(2A) Subject to subsection (2B) below, an application for registration under subsection (1)

- (a) above in respect of an address in Northern Ireland shall include—
  - (a) the signature of each of the persons to whom the application relates;
  - (b) the date of birth of each such person; and
  - (c) in relation to each such person—
    - (i) his national insurance number or a statement that he does not have one,
    - <sup>F145</sup>(ii) ..... and
    - (iii) any other address in the United Kingdom in respect of which he is or has applied to be registered,

and the power in subsection (1)(a) above to prescribe requirements includes power to give effect to the requirements of this subsection.

(2B) The Chief Electoral Officer for Northern Ireland may dispense with the requirement mentioned in subsection (2A)(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.]

(3) Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—



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- (a) at the beginning of the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) or (3) above, or
- (b) at the beginning of either of the two months preceding that containing the date on which a revised version of the register is next due to be published in accordance with <sup>F146</sup>section 13(1)(a) above,

and in such a case the alteration in question shall be made in that revised version of the register.

<sup>F147</sup>(3A) Subsection (2)(a)(ii) also does not require a registration officer in Great Britain to issue a notice under subsection (2) in a case where the month which follows that in which the relevant time falls is the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1)(a); and in such a case the alteration in question shall be made in that revised version of the register.]

(4) Subsection (2) above also does not require a registration officer to issue a notice under that subsection in a case where section <sup>F148</sup>13AB(2), <sup>F149</sup>13B(3), <sup>F150</sup>(3B) or <sup>F150</sup>(3D), <sup>F150</sup>13BA(3), (6) or (9) or <sup>F150</sup>13BC(3) or (6)] below requires him to issue a notice under that provision.

(5) No alteration affecting a published version of a register of electors shall be made otherwise than in accordance with <sup>F151</sup>this section, section <sup>F152</sup>13AB, <sup>F153</sup>section 13B, <sup>F154</sup>section 13BA or section 13BC] below]].

(6) For the purposes of subsection (1) above “determines” means determines in accordance with regulations; and section 119 below shall apply for the purposes of subsection (2)(a) above as if it were contained in Part II of this Act.

#### Textual Amendments

- F138** Ss. 13-13B substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 13 by 2000 c. 2, s. 8(a), **Sch. 1 para. 6**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F139** S. 13A(1)(za)(zb) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 12(2)(a)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F140** Words in s. 13A(1)(a) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 12(2)(b)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F141** Words in s. 13A(1)(c) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 4(2)**; S.I. 2008/1318, **art. 2**
- F142** Words in s. 13A(1)(d) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 1 para. 3** (with Sch. 5); S.I. 2014/414, art. 5(k); S.I. 2014/2439, art. 2(j)
- F143** Words in s. 13A(2)(b) substituted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 4(3)**; S.I. 2008/1318, **art. 2**
- F144** S. 13A(2A)(2B) inserted (N.I.) (1.9.2002) by Electoral Fraud (Northern Ireland) Act 2002 (c. 13), s. 1(4); S.I. 2002/1648, **art. 3**
- F145** S. 13A(2A)(c)(ii) repealed (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 14(1)(a)(vi), 28; S.I. 2014/2613, art. 2(2)(a)
- F146** Words in s. 13A(3)(b) substituted (1.12.2006) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 5(2), 31; S.I. 2006/2688, **art. 3(1)(2)(a)**



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- F147** S. 13A(3A) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 12(3)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F148** Words in s. 13A(4) inserted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 16(2)(a)**, 27(1); S.I. 2014/414, art. 3(b) (with art. 4)
- F149** Words in s. 13A(4) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 11(6), 77, **Sch. 1 para. 32**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 2, 12(b) (subject to transitional provisions in art. 6, Sch. 2)
- F150** Words in s. 13A(4) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 3(2)**; S.I. 2016/290, reg. 2
- F151** Words in s. 13A(5) substituted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), **Sch. 6 para. 3**; S.I. 2009/2395, **art. 2** (with art. 3)
- F152** Word in s. 13A(5) inserted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 16(2)(b)**, 27(1); S.I. 2014/414, art. 3(b) (with art. 4)
- F153** Words in s. 13A(5) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 12(4)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F154** Words in s. 13A(5) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 3(3)**; S.I. 2016/290, reg. 2

#### Modifications etc. (not altering text)

- C70** Ss. 13-13B extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**; S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5))
- C71** S. 13A applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), **Sch. 4 Pt. I**  
S. 13A applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. I**  
S. 13A applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)
- C72** S. 13A excluded (N.I.) (24.2.2005) (temp. until 23.2.2006) by Electoral Registration (Northern Ireland) Act 2005 (c. 1), **ss. 1(3)**, 3(1) (subject to s. 3(2))
- C73** S. 13A applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), reg. 14(3)(4), **Sch. 4**
- C74** S. 13A applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C75** S. 13A excluded (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 18(2)**, 21
- C76** S. 13A(3)(b) modified (N.I.) (22.10.2003) by The Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003 (Consequential Modifications) Order 2003 (S.I. 2003/2696), **art. 3(b)**

#### [<sup>F155</sup>13A] Alteration of registers: interim publication dates

- (1) Subsections (2) and (3) apply in relation to an interim publication date where—
- (a) at any time before the interim publication date, section 13A applies to a registration officer (by virtue of section 13A(1)) in connection with a determination, requirement or decision within section 13A(1)(za), (zb), (b), (c) or (d),
  - (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
  - (c) no alteration made in consequence of the determination, requirement or decision has already taken effect, or is due to take effect, under a relevant provision on or before the interim publication date.

*Status: Point in time view as at 30/06/2017.*

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- (2) On the interim publication date the registration officer must issue, in the prescribed manner, a notice specifying the appropriate alteration in the register.
- (3) The alteration takes effect from the beginning of the interim publication date.
- (4) There are two interim publication dates (in relation to a registration officer and an election to which this section applies).
- (5) The first interim publication date is the last day on which nomination papers may be delivered to the returning officer for the purposes of the election.
- (6) The second interim publication date is to be determined by the registration officer, but must be a day after the first interim publication date and before the appropriate publication date.
- (7) In subsection (1)(c) “relevant provision” means—
- (a) in relation to the first interim publication date, section 13A(2) [<sup>F156</sup>or 13BC(3) or (6)];
  - [<sup>F157</sup>(b) in relation to the second interim publication date—
    - (i) section 13A(2);
    - (ii) section 13BC(3) or (6);
    - (iii) subsection (3) of this section as it applies in relation to the first interim publication date.]
- [ In determining for the purposes of subsection (1)(c) whether an alteration made [<sup>F158</sup>(7A) in consequence of the determination, requirement or decision is due to take effect under section 13BC(3) on or before the interim publication date, the reference to section 13AB in section 13BC(2) is to be disregarded.]
- (8) This section applies to—
- (a) parliamentary elections in England, Wales or Scotland;
  - (b) elections in England, Wales or Scotland to the European Parliament;
  - (c) elections to the Scottish Parliament;
  - (d) elections to the National Assembly for Wales;
  - (e) local government elections in England, Wales or Scotland;
  - (f) elections of police and crime commissioners in England and Wales.
- (9) Subsections (5) and (6) of section 13B apply for the purposes of this section as they apply for the purposes of that section.
- [ Subsection (2) does not require a registration officer to issue a notice under that [<sup>F159</sup>(10) subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.]]

#### Textual Amendments

**F155** S. 13AB inserted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 16\(3\), 27\(1\)](#); S.I. 2014/414, art. 3(b) (with art. 4)

**F156** Words in s. 13AB(7)(a) inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\), s. 24\(3\), Sch. 2 para. 4\(2\)](#); S.I. 2016/290, reg. 2

**F157** S. 13AB(7)(b) substituted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\), s. 24\(3\), Sch. 2 para. 4\(3\)](#); S.I. 2016/290, reg. 2

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**F158** S. 13AB(7A) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 4(4)**; S.I. 2016/290, reg. 2

**F159** S. 13AB(10) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 4(5)**; S.I. 2016/290, reg. 2

**Modifications etc. (not altering text)**

**C77** S. 13AB applied (with modifications) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), regs. 8, 12, 13, Sch. 4 Pt. 1 Table 1 (as amended (6.4.2014) by S.I. 2014/333, regs. 1(6), **9(1)** (with reg. 1(7)))

**C78** S. 13AB applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 1 para. 4(1) (with Sch. 1 para. 1(3))

**C79** S. 13AB(8)(f) excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 7**

**F160** **13B Alteration of registers: pending elections.** **E+W+S**

[<sup>F161</sup>(1) If, by virtue of section 13A(2) above [<sup>F162</sup>or section 13BC(3) or (6) below], 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.]

[<sup>F163</sup>(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 [<sup>F164</sup>paragraphs (za), (zb), (b), (c) and (d)] of that subsection;
- (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
- (c) no alteration made in consequence of the determination, requirement or decision—
  - (i) has already taken effect, or
  - (ii) is due to take effect,

under subsection (2) of that section [<sup>F165</sup>, or under section 13AB(3) or section 13BC(3) or (6),] on or before the fifth day before the date of the poll.]

(3) 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 on the appropriate publication date; and
- (b) the alteration shall take effect as from the beginning of that day.

[<sup>F166</sup>(3ZA) In determining for the purposes of subsection (2)(c) whether an alteration made in consequence of the determination, requirement or decision is due to take effect under section 13BC(3) on or before the fifth day before the date of the poll, the reference to section 13B in section 13BC(2) is to be disregarded.

(3ZB) Subsection (3) does not require a registration officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.]

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[<sup>F167</sup>(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
- (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.

(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
- (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;
- (b) the determination was made following a representation made by or on behalf of a person to the registration officer; and
- (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
  - (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
- (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.]

(4) This section applies to the following elections—

- (a) parliamentary elections [<sup>F168</sup>in England, Wales or Scotland],
- (b) elections [<sup>F169</sup>in England, Wales or Scotland] to the European Parliament,
- (c) elections to the Scottish Parliament,
- (d) elections to the National Assembly for Wales, <sup>F170</sup>...
- <sup>F171</sup>(e) .....
- (f) local government elections in England, Wales or Scotland [<sup>F172</sup>and
- (g) elections of police and crime commissioners in England and Wales].

(5) In this section—

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“the appropriate publication date”, in relation to a registration officer and an election to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;

“the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;

“the relevant election area”, in relation to a registration officer and such an election, means—

- (a) the area for which the registration officer acts, or
- (b) if the election is held in only part of that area, the part of that area in question.

(6) Section 119 below shall apply for the purposes of this section as if—

- (a) it were contained in Part II of this Act; and
- (b) each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act.

#### Extent Information

- E4** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F160** Ss. 13-13B substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 13 by 2000 c. 2, s. 8(a), **Sch. 1 para. 6**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F161** S. 13B(1) substituted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 11(2), 77**; S.I. 2006/3412, **art. 3, Sch. 1 para. 2** (subject to transitional provisions in art. 6, Sch. 2)
- F162** Words in s. 13B(1) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 5(2)**; S.I. 2016/290, reg. 2
- F163** S. 13B(2) substituted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 11(3), 77**; S.I. 2006/3412, **art. 3, Sch. 1 para. 2** (subject to transitional provisions in art. 6, Sch. 2)
- F164** Words in s. 13B(2)(a) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 13** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F165** Words in s. 13B(2)(c) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 5(3)**; S.I. 2016/290, reg. 2
- F166** S. 13B(3ZA)(3ZB) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 5(4)**; S.I. 2016/290, reg. 2
- F167** S. 13B(3A)-(3E) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 11(4), 77**; S.I. 2006/3412, **art. 3, Sch. 1 para. 2** (subject to transitional provisions in art. 6, Sch. 2)
- F168** Words in s. 13B(4)(a) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 6(1)(a), 31**; S.I. 2008/1318, **art. 2(2)(a)**
- F169** Words in s. 13B(4)(b) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 6(1)(b), 31**; S.I. 2008/1318, **art. 2(2)(a)**
- F170** Word in s. 13B(4)(d) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 10 para. 3**; S.I. 2012/1129, art. 2(g)
- F171** S. 13B(4)(e) repealed (14.5.2008) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 6(1)(d), 30(2), 31, Sch. 5**; S.I. 2008/1318, **art. 2(2)(a)**
- F172** S. 13B(4)(g) and preceding word inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 10 para. 3**; S.I. 2012/1129, art. 2(g)

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#### **Modifications etc. (not altering text)**

- C80** Ss. 13-13B extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**; S.I. 2001/116, **art. 2(1)** (with **art. 2(3)-(5)**)
- C81** S. 13B applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5)**, **Sch. 4 Pt. I**  
S. 13B applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4)**, **Sch. 4 Pt. I**  
S. 13B applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, **regs. 8(1), 10(4)**, **Sch. 3 Table 2** (subject to regs. 9-12, 15-17, 20, 25)  
S. 13B applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9**, **Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4)**, **Sch.**)  
S. 13B applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 13B applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C82** S. 13B applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C83** S. 13B modified (16.12.2010) by The National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 (S.I. 2010/2837), **art. 1(2)**, **Sch. 1 para. 18**
- C84** S. 13B modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 4 para. 2(1)**
- C85** S. 13B applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums)(England) Regulations 2012 (S.I. 2012/323), **reg. 1**, **Sch. 4 para. 1**
- C86** S. 13B applied (with modifications) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), **reg. 1**, **Sch. 4 para. 1** (with **reg. 27**)
- C87** S. 13B applied (with modifications) (E.) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), **regs. 1, 8, 12, 13**, **Sch. 4 Pt. 1**
- C88** S. 13B applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), **sch. 1 Pts. 1, 2** (with s. 13(2))
- C89** S. 13B applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1**, **Sch. 1 para. 4(2)** (as substituted (9.6.2016) by S.I. 2016/636, **regs. 1, 3(3)**)
- C90** S. 13B(2)-(6) applied (with modifications) (S.) (18.12.2013) by Scottish Independence Referendum Act 2013 (asp 14), s. 36, **sch. 2 para. 17(3)**
- C91** S. 13B(4)(g) excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), **art. 1(2)**, **Sch. 2 para. 7**

#### **F160 13B Alteration of registers: pending elections. N.I.**

- (1) An alteration in a published version of a register of electors which takes effect under section 13A(2) above after the final nomination day in the case of an election to which this section applies shall not have effect for the purposes of that election unless the alteration—
  - (a) is made in consequence of a decision or determination falling within section 13A(1)(c) or (d) above; and
  - (b) takes effect on or before the fifth day before the date of the poll.
- (2) Subsection (3) below applies where—



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- (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 decision or determination—
- (i) falling within subsection (1)(c) or (d) of that section, and
  - (ii) in consequence of which a person’s name falls to be entered in (or removed from) the register in respect of an address in the relevant election area; and
- (b) no alteration made in consequence of that decision or determination—
- (i) has already taken effect, or
  - (ii) is due to take effect,
- under subsection (2) of that section on or before the fifth day before the date of the poll.
- (3) 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 on the appropriate publication date; and
  - (b) the alteration shall take effect as from the beginning of that day.
- (4) This section applies to the following elections—
- (a) parliamentary elections [<sup>F168</sup>in England, Wales or Scotland] ,
  - (b) elections [<sup>F169</sup>in England, Wales or Scotland] to the European Parliament,
  - (c) elections to the Scottish Parliament,
  - (d) elections to the National Assembly for Wales, <sup>F170</sup> ...
  - <sup>F171</sup>(e) .....
  - (f) local government elections in England, Wales or Scotland [<sup>F172</sup>and
  - (g) elections of police and crime commissioners in England and Wales].
- (5) In this section—
- “the appropriate publication date”, in relation to a registration officer and an election to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;
- “the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;
- “the relevant election area”, in relation to a registration officer and such an election, means—
- (a) the area for which the registration officer acts, or
  - (b) if the election is held in only part of that area, the part of that area in question.
- (6) Section 119 below shall apply for the purposes of this section as if—
- (a) it were contained in Part II of this Act; and
  - (b) each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act.

#### Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only



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### Textual Amendments

- F160** Ss. 13-13B substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 13 by 2000 c. 2, s. 8(a), **Sch. 1 para. 6**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F168** Words in s. 13B(4)(a) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 6(1)(a)**, 31; S.I. 2008/1318, **art. 2(2)(a)**
- F169** Words in s. 13B(4)(b) inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 6(1)(b)**, 31; S.I. 2008/1318, **art. 2(2)(a)**
- F170** Word in s. 13B(4)(d) omitted (25.4.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 10 para. 3**; S.I. 2012/1129, art. 2(g)
- F171** S. 13B(4)(e) repealed (14.5.2008) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 6(1)(d)**, 30(2), 31, **Sch. 5**; S.I. 2008/1318, **art. 2(2)(a)**
- F172** S. 13B(4)(g) and preceding word inserted (25.4.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 10 para. 3**; S.I. 2012/1129, art. 2(g)

### Modifications etc. (not altering text)

- C80** Ss. 13-13B extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3 SIF 42), ss. 2, 13(6), Sch. 1 Pt. I as amended (16.2.2001) by 2000 c. 2, s. 8, **Sch. 3 para. 3(5)**; S.I. 2001/116, **art. 2(1)** (with art. 2(3)-(5))
- C81** S. 13B applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), **Sch. 4 Pt. 1**  
S. 13B applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. 1**  
S. 13B applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)  
S. 13B applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)  
S. 13B applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 13B applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8**, 11, 13, {Sch. 4 Table 1}
- C83** S. 13B modified (16.12.2010) by The National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 (S.I. 2010/2837), art. 1(2), **Sch. 1 para. 18**
- C84** S. 13B modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 4 para. 2(1)**
- C86** S. 13B applied (with modifications) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C87** S. 13B applied (with modifications) (E.) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C88** S. 13B applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C89** S. 13B applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, Sch. 1 para. 4(2) (as substituted (9.6.2016) by S.I. 2016/636, regs. 1, 3(3))
- C408** S. 13B applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 1 para. 4(2)** (with Sch. 1 para. 1(3))

### [<sup>F173</sup>13B] Alteration of registers in Northern Ireland: pending elections

- (1) An alteration in a published version of a register of electors which takes effect under section 13A(2) [<sup>F174</sup>or section 13BC(3) or (6)] after the final nomination day in the

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case of an election to which this section applies is of no effect for the purposes of that election unless the alteration—

- (a) is made in consequence of a decision or determination falling within section 13A(1)(c) or (d), and
- (b) takes effect on or before the fifth day before the date of the poll.

(2) Subsection (3) applies if—

- (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A applies to the Chief Electoral Officer for Northern Ireland (by virtue of section 13A(1)) in connection with a determination or requirement falling within section 13A(1)(a) or (b), and
- (b) no alteration made in consequence of that determination or requirement—
  - (i) has already taken effect, or
  - (ii) is due to take effect,
 under section 13A(2)<sup>F175</sup>, or section 13BC(3),] on or before the final nomination day.

(3) If, no later than the prescribed date, the Chief Electoral Officer is supplied with such additional material supporting the alteration as is prescribed, he must, on the appropriate publication date, issue a notice specifying the appropriate alteration in the register.

<sup>F176</sup> [ In determining for the purposes of subsection (2)(b) whether an alteration made (3A) in consequence of the determination or requirement is due to take effect under section 13BC(3) on or before the final nomination day, the reference to section 13BA in section 13BC(2) is to be disregarded.

(3B) Subsection (3) does not require the Chief Electoral Officer to issue a notice under that subsection in a case where section 13BC(3) requires the officer to issue a notice under that provision at an earlier time.]

<sup>F177</sup> (4) .....

(5) Subsection (6) applies if—

- (a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A applies to the Chief Electoral Officer for Northern Ireland (by virtue of section 13A(1)) in connection with a decision or determination falling within section 13A(1)(c) or (d), and
- (b) no alteration made in consequence of that decision or determination—
  - (i) has already taken effect, or
  - (ii) is due to take effect,
 under section 13A(2)<sup>F178</sup>, or section 13BC(3) or (6),] on or before the fifth day before the date of the poll.

(6) The Chief Electoral Officer must, on the appropriate publication date, issue a notice specifying the appropriate alteration in the register.

<sup>F179</sup> [ In determining for the purposes of subsection (5)(b) whether an alteration made (6A) in consequence of the decision or determination is due to take effect under section 13BC(3) on or before the fifth day before the date of the poll, the reference to section 13BA in section 13BC(2) is to be disregarded.

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- (6B) Subsection (6) does not require the Chief Electoral Officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.]
- (7) Subsection (9) applies if—
- (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 applies to the Chief Electoral Officer for Northern Ireland (by virtue of section 13A(1)), in connection with a notification mentioned in section 13A(1)(c), and
  - (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 needs to be altered.
- (8) Subsection (9) also applies if—
- (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 applies to the Chief Electoral Officer for Northern Ireland (by virtue of section 13A(1)), in connection with a determination falling within section 13A(1)(d),
  - (b) the determination was made following a representation made by or on behalf of a person to the Chief Electoral Officer, and
  - (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
    - (ii) his entry in the register needs to be altered.
- (9) The Chief Electoral Officer must, when—
- (a) he receives the notification referred to in subsection (7), or
  - (b) he makes the determination referred to in subsection (8),
- issue a notice specifying the appropriate alteration in the register.
- (10) In subsection (8)(b), “representation” means a representation made in accordance with prescribed requirements to the effect that the register contains a clerical error.
- (11) A notice under subsection (3), (6) or (9)—
- (a) is to be issued in the prescribed manner, and
  - (b) takes effect from the beginning of the day on which it is issued.
- (12) This section applies to—
- (a) parliamentary elections in Northern Ireland,
  - (b) elections in Northern Ireland to the European Parliament, and
  - (c) elections to the Northern Ireland Assembly.
- (13) Subsections (5) and (6) of section 13B apply for the purposes of this section as they apply for the purposes of that section.]

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#### Textual Amendments

- F173** S. 13BA inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 6(2), 31**; S.I. 2008/1318, **art. 2**
- F174** Words in s. 13BA(1) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 6(2)**; S.I. 2016/290, **reg. 2**
- F175** Words in s. 13BA(2)(b) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 6(3)**; S.I. 2016/290, **reg. 2**
- F176** S. 13BA(3A)(3B) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 6(4)**; S.I. 2016/290, **reg. 2**
- F177** S. 13BA(4) omitted (1.10.2014) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 16(1), 28**; S.I. 2014/2613, **art. 2(2)(c)**
- F178** Words in s. 13BA(5)(b) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 6(5)**; S.I. 2016/290, **reg. 2**
- F179** S. 13BA(6A)(6B) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 6(6)**; S.I. 2016/290, **reg. 2**

#### Modifications etc. (not altering text)

- C92** S. 13BA extended (Northern Ireland) (with modifications) (14.5.2008) by 1989 c. 3, **Sch. 1** (as amended by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 30(1), 31**, **Sch. 4 para. 7(2)(b)**); S.I. 2008/1318, **art. 2**)
- C93** S. 13BA applied (with modifications) by S.I. 2001/1184, **reg. 9**, **Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4)**, **Sch.**)
- C94** S. 13BA applied (with modifications) by S.I. 2001/2599, **art. 3**, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3**, **Sch. 1**)
- C95** S. 13BA modified (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 4 para. 2(2)**
- C96** S. 13BA applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1**, **Sch. 1 para. 5** (with **Sch. 1 para. 1(3)**) (as amended (9.6.2016) by S.I. 2016/636, **regs. 1, 3(4)**)
- C97** S. 13BA(9) applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **regs. 1, 39(12)**

#### <sup>F180</sup>13BB Election falling within canvass period

.....

#### Textual Amendments

- F180** S. 13BB omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 14** (with **Sch. 5**); S.I. 2014/414, **art. 5(m)**; S.I. 2014/2439, **art. 2(1)**

#### [<sup>F181</sup>13BC Alteration of registers: recall petition

- (1) This section applies if—
- (a) a Speaker's notice is given in relation to a recall petition in respect of an MP under the Recall of MPs Act 2015 (“the 2015 Act”), and
  - (b) a day is designated in relation to that petition under section 7(1)(b) of that Act (first day of the signing period).

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- (2) Subsection (3) applies where—
- (a) at any time before the cut-off day, section 13A applies to a registration officer, by virtue of subsection (1) of that section, in connection with—
    - (i) a requirement or determination falling within paragraph (za) or (a) of that subsection in respect of a qualifying application for registration,
    - (ii) a requirement falling within paragraph (zb) of that subsection in respect of an entry in the register resulting from a qualifying application for registration, or
    - (iii) a requirement, decision or determination falling within any of paragraphs (b) to (d) of that subsection,
  - (b) in consequence of the requirement, determination or decision, an entry relating to a person falls to be made or altered in, or removed from, the relevant register,
  - (c) no alteration made in consequence of the requirement, determination or decision has already taken effect, or is due to take effect, under section 13A, 13AB, 13B or 13BA on or before the cut-off day, and
  - (d) if the relevant register is for a constituency in Northern Ireland, the Chief Electoral Officer for Northern Ireland is supplied on or before the prescribed date with such additional material as is prescribed supporting the appropriate alteration in the register.
- (3) In such a case—
- (a) the registration officer must issue, in the prescribed manner on the cut-off day, a notice specifying the appropriate alteration in the register, and
  - (b) subject to sections 13B(1) and 13BA(1), the alteration is to take effect as from the beginning of the day on which the notice is issued.
- (4) In determining for the purposes of subsection (2)(c) whether an alteration made in consequence of the requirement, determination or decision is due to take effect under section 13AB, 13B or 13BA on or before the cut-off day, the references to section 13BC(3) in section 13AB(7), 13B(2) and 13BA(2) and (5) are to be disregarded.
- (5) Subsection (6) applies where—
- (a) at any time on or after the cut-off day but before the prescribed time on the last day of the signing period, section 13A applies to a registration officer, by virtue of subsection (1) of that section, in connection with—
    - (i) a notification mentioned in paragraph (c) of that subsection, or
    - (ii) a determination falling within paragraph (d) of that subsection, and
  - (b) in consequence of the notification or determination, an entry relating to a person falls to be made or altered in, or removed from, the relevant register.
- (6) In such a case—
- (a) the registration officer must issue, in the prescribed manner and on the appropriate day, a notice specifying the appropriate alteration in the register, and
  - (b) subject to sections 13B(1) and 13BA(1), the alteration is to take effect as from the beginning of the day on which the notice is issued.
- (7) “The appropriate day” means—

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- (a) in a case falling within subsection (5)(a)(i), the day when the registration officer receives the notification referred to in that provision (or, if that is not a working day, the next working day);
  - (b) in a case falling within subsection (5)(a)(ii), the day when the registration officer makes the determination referred to in that provision (or, if that is not a working day, the next working day).
- (8) If the petition officer in relation to the recall petition receives a notice under section 13(6) of the 2015 Act (early termination of recall petition process), this section ceases to apply in the case of that petition.
- (9) But if, at the time when that notice is so received—
- (a) the registration officer is under a duty under subsection (3) or (6) of this section to issue a notice, but
  - (b) has not yet issued the notice,
- the registration officer remains under that duty to issue the notice at the time at which it would have been required to be issued if subsection (8) had not applied.
- (10) In this section—
- (a) “the cut-off day” means the 3rd working day before the beginning of the signing period,
  - (b) “qualifying application for registration” means an application for registration that—
    - (i) is made on or before the day on which the Speaker's notice is given, or
    - (ii) is treated as made by virtue of section 10A(2) (return of canvass form treated as application for registration) in respect of a form returned on or before that day,
  - (c) “relevant register” means the register of parliamentary electors for the MP's constituency,
  - (d) the following expressions have the same meaning as in the 2015 Act: “MP”, “petition officer”, “recall petition”, “the signing period”, “Speaker's notice” and “working day” (see section 22 of that Act), and
  - (e) any reference to a notice given under the 2015 Act or the time at which such a notice is given has the same meaning as in that Act.]

#### **Textual Amendments**

**F181** S. 13BC inserted (26.3.2015 for specified purposes, 4.3.2016 in so far as not already in force) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(2)(c), [Sch. 2 para. 7](#); [S.I. 2016/290](#), reg. 2

#### **[<sup>F182</sup>13C Electoral identity card: Northern Ireland**

- (1) This section applies where a person makes an application in accordance with any prescribed requirements to the Chief Electoral Officer for Northern Ireland for an electoral identity card.
- (2) Regulations may provide for—
  - (a) the descriptions of person who may make such an application; and
  - (b) the form in which such an application is to be made.

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- (3) The Chief Electoral Officer shall determine such an application and, if he is satisfied that the information given by the applicant is correct, he shall issue an electoral identity card to the applicant free of charge.
- (4) The electoral identity card issued to an applicant shall—
  - (a) state his full name and date of birth,
  - (b) bear his photograph,
  - (c) indicate when the card ceases to be current, and
  - (d) include such other information and be in such form as the Chief Electoral Officer shall determine.
- (5) For the purposes of subsection (4) above and rule 37(1E) in Schedule 1 to this Act (specified documents), an electoral identity card becomes current on the date of its issue and ceases to be so on the expiry of the period of 10 years beginning with that date.
- (6) Any expenses properly incurred by the Chief Electoral Officer in the performance of his functions under this section shall be treated as registration expenses of his for the purposes of this Act.
- (7) In this section “determine” means determine in accordance with regulations (if any).]

#### Textual Amendments

**F182** S. 13C inserted (N.I.) (1.12.2002) by [Electoral Fraud \(Northern Ireland\) Act 2002 \(c. 13\), s. 4\(2\)](#); [S.I. 2002/1648, art. 4](#)

#### Modifications etc. (not altering text)

**C98** S. 13C applied (with modifications) by [S.I. 2001/1184, reg. 9, Sch. Pt. I](#) (as substituted (17.3.2009) by [S.I. 2009/726, regs. 1\(1\), 2\(3\)\(4\), Sch.](#))

### [<sup>F183</sup>~~13CZA~~ **Provision of false information: application for electoral identity card**

- (1) A person who provides false information in connection with an application for an electoral identity card is guilty of an offence.
- (2) In relation to a signature, “false information” for the purposes of subsection (1) means a signature which—
  - (a) is not the usual signature of, or
  - (b) was written by a person other than, the person whose signature it purports to be.
- (3) A person does not commit an offence under subsection (1) if the person did not know, and had no reason to suspect, that the information was false.
- (4) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (3), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (5) A person guilty of an offence under this section is liable on summary conviction to—
  - (a) imprisonment for a term not exceeding six months, or
  - (b) a fine not exceeding level 5 on the standard scale,



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or to both.]

**Textual Amendments**

**F183** S. 13CZA inserted (N.I.) (13.5.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\)](#), ss. 17, 28(4)

**[<sup>F184</sup>13C Scottish local government elections: false information in connection with applications for absent voting**

- (1) A person who provides false information in connection with an application mentioned in subsection (2) below commits an offence.
- (2) The application referred to in subsection (1) above is an application—
  - (a) relating to a local government election in Scotland; and
  - (b) to which any of the following provisions of Schedule 4 to the Representation of the People Act 2000 (c. 2) applies, namely—
    - (i) paragraph 3(1) or (2);
    - (ii) paragraph 4(1) or (2);
    - (iii) paragraph 7(4).
- (3) In relation to a signature, “false information” for the purposes of subsection (1) above means a signature which—
  - (a) is not the usual signature of; or
  - (b) was written by a person other than, the person whose signature it purports to be.
- (4) A person does not commit an offence under subsection (1) above if the person did not know, and had no reason to suspect, that the information was false.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4) above, the court must assume that the defence is satisfied unless the prosecutor proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under subsection (1) above is liable on summary conviction to (either or both)—
  - (a) imprisonment for a term not exceeding 6 months;
  - (b) a fine not exceeding level 5 on the standard scale.]

**Textual Amendments**

**F184** S. 13CA inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. 12, 63(2); S.S.I. 2007/26, art. 2(1)(a)

**[<sup>F185</sup>13D Provision of false information**

**[<sup>F186</sup>(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.]

**[<sup>F187</sup>(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

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of the following provisions of Schedule 4 to the Representation of the People Act 2000 (applications relating to absent voting) applies is guilty of an offence—

- (a) paragraph 3(1) or (2);
  - (b) paragraph 4(1) or (2);
  - (c) paragraph 7(4).]
- (2) A person who provides false information to the Chief Electoral Officer for Northern Ireland for the purpose of obtaining the dispensation referred to in section 10(4B), 10A(1B) or 13A(2B) above is guilty of an offence.
- (3) In relation to a signature, “false information” for the purposes of subsection (1) [<sup>F188</sup>or (1A)] means a signature which—
- (a) is not the usual signature of; or
  - (b) was written by a person other than, the person whose signature it purports to be.
- (4) A person does not commit an offence under subsection (1) [<sup>F189</sup>or (1A)] above if he did not know, and had no reason to suspect, that the information was false.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under subsection (4) above, the court shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.
- (6) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding [<sup>F190</sup>51 weeks] ; or
  - (b) a fine not exceeding level 5 on the standard scale, or to both.

[ In the application of subsection (6)(a) to Scotland and Northern Ireland, the reference <sup>F191</sup>(7) 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.]]

#### Textual Amendments

- F185** S. 13D inserted (N.I.) (1.9.2002) by [Electoral Fraud \(Northern Ireland\) Act 2002 \(c. 13\), s. 7\(1\)](#); S.I. 2002/1648, [art. 3](#)
- F186** S. 13D(1) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 15\(2\), 77](#); S.I. 2006/1972, [art. 3, Sch. 1 para. 2](#) (subject to transitional provisions in art. 4, Sch. 2)
- F187** S. 13D(1A) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 15\(3\), 77](#); S.I. 2006/1972, [art. 3, Sch. 1 para. 2](#) (subject to transitional provisions in art. 4, Sch. 2)
- F188** Words in s. 13D(3) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 15\(4\), 77](#); S.I. 2006/1972, [art. 3, Sch. 1 para. 2](#) (subject to transitional provisions in art. 4, Sch. 2)
- F189** Words in s. 13D(4) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 15\(5\), 77](#); S.I. 2006/1972, [art. 3, Sch. 1 para. 2](#) (subject to transitional provisions in art. 4, Sch. 2)
- F190** Words in s. 13D(6)(a) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 15\(6\), 77](#); S.I. 2006/1972, [art. 3, Sch. 1 para. 2](#) (subject to transitional provisions in art. 4, Sch. 2)
- F191** S. 13D(7)(8) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 15\(7\), 77](#); S.I. 2006/1972, [art. 3, Sch. 1 para. 2](#) (subject to transitional provisions in art. 4, Sch. 2)

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**Modifications etc. (not altering text)**

- C99** S. 13D extended (11.9.2006) to the whole of the United Kingdom by [Electoral Administration Act 2006 \(c. 22\), ss. 15\(8\), 77; S.I. 2006/1972, art. 3, Sch. 1 para. 2](#) (subject to transitional provisions in art. 4, Sch. 2)
- C100** S. 13D applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\), ss. 6, 13\(1\), sch. 1 Pts. 1, 2](#) (with s. 13(2))
- C101** S. 13D(3)-(7) applied (16.2.2011 for N.I.) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\), s. 19\(1\), Sch. 3 para. 20\(3\)](#)
- C102** S. 13D(3)-(8) applied in part (16.2.2011 for E.W.S.) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\), s. 19\(1\), Sch. 3 para. 11\(3\)](#)

*Service qualifications and declarations for registration*

**14 Service qualification.**

- (1) A person has a service qualification for the purposes of this Act who—
- (a) is a member of the forces,
  - (b) (not being such a member) is employed in the service of the Crown in a post outside the United Kingdom of any prescribed class or description,
  - (c) is employed by the British Council in a post outside the United Kingdom,
  - (d) is the [<sup>F192</sup>spouse or civil partner] of a member of the forces,
  - [<sup>F193</sup>(e) is the spouse or civil partner of a person mentioned in paragraph (b) or paragraph (c) above and is residing outside the United Kingdom to be with his or her spouse or civil partner.]

and where a person leaves the United Kingdom to take up employment or residence as mentioned above or returns to the United Kingdom at the end of such employment or residence, the employment or residence shall be deemed to begin from the time of leaving or to continue until the time of returning, as the case may be.

- [<sup>F194</sup>(1A) In relation to the registration of local government electors in Scotland, a person also has a service qualification for the purposes of this Act if—
- (a) the person is under the age of 18,
  - (b) a parent or guardian of the person has a service qualification under any of paragraphs (a) to (e) of subsection (1), and
  - (c) the person is residing at a particular place in order to be with that parent or guardian.]

<sup>F195</sup>(2) .....

**Textual Amendments**

- F192** Words in s. 14(1)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 80\(2\); S.I. 2005/3175, art. 2, Sch. 1](#)
- F193** S. 14(1)(e) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 80\(3\); S.I. 2005/3175, art. 2, Sch. 1](#)
- F194** S. 14(1A) inserted (S.) (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\), ss. 9\(2\), 21](#)
- F195** S. 14(2) repealed (1.10.2014) by [Northern Ireland \(Miscellaneous Provisions\) Act 2014 \(c. 13\), ss. 14\(1\)\(a\)\(vii\), 28; S.I. 2014/2613, art. 2\(2\)\(a\)](#)

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**Modifications etc. (not altering text)**

**C103** Ss. 12–17 extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989](#) (c. 3, SIF 42), ss. 2, 13(6), [Sch. 1 Pt. I](#)

**C104** S. 14 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013](#) (asp 13), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))

**15 Service declaration.**

- (1) A service declaration shall be made only—
- (a) by a person who has a service qualification, or
  - (b) subject to any prescribed conditions, by a person about to leave the United Kingdom in such circumstances as to acquire a service qualification.

and a service declaration may be made by such a person notwithstanding the fact that by reason of his age he is not yet entitled to vote.

[<sup>F196</sup>(2) Where a person is registered in a register of electors in pursuance of a service declaration, the person is entitled to remain so registered until—

- (a) the end of the period of 12 months beginning with the date when the entry in the register first takes effect,

[<sup>F197</sup>(aa) the registration officer determines in accordance with regulations that the person was not entitled to be registered,]

[<sup>F198</sup>(ab) the registration officer determines in accordance with regulations that the person was registered as the result of an application under section 10ZC made by some other person or that the person's entry has been altered as the result of an application under section 10ZD made by some other person,]

- (b) the declaration is cancelled under subsection (7) below, or
- (c) another entry made in respect of him in any register of electors takes effect (whether or not in pursuance of a service declaration),

whichever first occurs.

- (3) Where the entitlement of such a person to remain so registered terminates by virtue of subsection (2) above, the registration officer concerned shall remove that person's entry from the register, unless he is entitled to remain registered in pursuance of a further service declaration.]

[<sup>F199</sup>(3A) In relation to the registration of local government electors in Scotland, a service declaration made by a person by virtue of a service qualification under section 14(1A) ceases to have effect when the person attains the age of 18.

(3B) Without prejudice to subsection (2), a person registered in a register of local government electors in Scotland in pursuance of a service declaration referred to in subsection (3A) ceases to be entitled to remain so registered when the person attains the age of 18.

(3C) Where a person's entitlement to remain registered ceases under subsection (3B), the registration officer must remove the person's entry from the register.]

- (5) No service declaration shall be specially made by a person for the purpose of local government elections, and any service declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—

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- (a) a service declaration may be made for the purpose of local government elections only by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections [<sup>F200</sup>, or by a relevant citizen of the Union]; and
  - (b) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other service declarations.
- [<sup>F201</sup>(5A) Despite anything in subsection (5), in relation to Scotland, a relevant service declaration made by a person has effect only for the purposes of the person's registration as a local government elector.
- (5B) In subsection (5A), “relevant service declaration” means—
- (a) a service declaration made by virtue of a service qualification under section 14(1A),
  - (b) any other service declaration made by a person who, on the date on which the declaration is made, is—
    - (i) under the age of 17, and
    - (ii) not entitled to be registered in the register of parliamentary electors.
- (5C) A relevant service declaration referred to in subsection (5A) must be marked to show that it is available only for the purposes of registration as a local government elector, but otherwise is to be the same as other service declarations.]
- (6) If a person—
- (a) makes a service declaration declaring to more than one address, or
  - (b) makes more than one service declaration bearing the same date and declaring to different addresses,
- the declaration or declarations shall be void.
- (7) A service declaration may at any time be cancelled by the declarant <sup>F202</sup> . . . .
- [<sup>F203</sup>(8) A service declaration shall be of no effect unless it is received by the registration officer concerned within the period of three months beginning with the date of the declaration.]
- [<sup>F204</sup>(9) The Secretary of State may by order provide that, in relation to the persons mentioned in section 14(1)(a) and (d), subsection (2)(a) above has effect as if for the period of 12 months there were substituted such other period (not exceeding five years) as he thinks appropriate.
- (10) The power to make an order under subsection (9) is exercisable by statutory instrument, which may contain such incidental or consequential provision as the Secretary of State thinks appropriate.
- (11) No order may be made under subsection (9) unless—
- (a) the Secretary of State first consults the Electoral Commission, and
  - (b) a draft of the instrument containing the order is laid before, and approved by a resolution of, each House of Parliament.
- (12) If the period substituted by an order under subsection (9) is longer than the period for the time being in force, the longer period has effect in relation to any person who immediately before the order was made was entitled to remain in a register by virtue of subsection (2).]

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### Textual Amendments

- F196** S. 15(2)(3) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) for s. 15(2)-(4) by 2000 c. 2, s. 8(a), **Sch. 1 para. 8(2)**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)
- F197** S. 15(2)(aa) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by **Electoral Administration Act 2006 (c. 22)**, **ss. 12(7)**, 77; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 14(a)** (subject to transitional provisions in **art. 6**, **Sch. 2**); S.I. 2008/1316, **arts. 2**, 3
- F198** S. 15(2)(ab) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by **Electoral Registration and Administration Act 2013 (c. 6)**, s. 27(1), **Sch. 4 para. 15** (with **Sch. 5**); S.I. 2014/414, **art. 5(m)**; S.I. 2014/2439, **art. 2(l)**
- F199** S. 15(3A)-(3C) inserted (S.) (25.7.2015) by **Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7)**, **ss. 9(3)(a)**, 21
- F200** Words in s. 15(5)(a) inserted (6.8.1995) by S.I. 1995/1948, **regs. 1(2)**, 5(2), **Sch. 2 paras. 4(b)**, 6
- F201** S. 15(5A)-(5C) inserted (S.) (25.7.2015) by **Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7)**, **ss. 9(3)(b)**, 21
- F202** Words in s. 15(7) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, **ss. 8(a)**, 15(2), **Sch. 1 para. 8(3)**, **Sch. 7 Pt. I**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)
- F203** S. 15(8) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 8(4)**; S.I. 2001/116, **art. 2(1)(2)** (with **art. 2(4)**)
- F204** S. 15(9)-(12) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by **Electoral Administration Act 2006 (c. 22)**, **ss. 13(1)**, 77; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 14(b)** (subject to transitional provisions in **art. 6**, **Sch. 2**); S.I. 2008/1316, **arts 2**, 3

### Modifications etc. (not altering text)

- C105** Ss. 12–17 extended (N.I.) (with modifications) by **Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42)**, **ss. 2**, 13(6), **Sch. 1 Pt. I**
- C106** Ss. 15-17 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3)**, 2(2), 13(3)
- C107** S. 15 applied (with modifications) (S.) (8.8.2013) by **Scottish Independence Referendum (Franchise) Act 2013 (asp 13)**, **ss. 6**, 13(1), **sch. 1 Pts. 1**, 2 (with s. 13(2))
- C108** S. 15(2)(a) modified (E.W.S.) (1.1.2007) by **The Service Voters' Registration Period Order 2006 (S.I. 2006/3406)**, **art. 2**
- C109** S. 15(2)(a) modified (N.I.) (1.7.2008) by **The Service Voters' Registration Period (Northern Ireland) Order 2008 (S.I. 2008/1726)**, **art. 2**
- C110** S. 15(2)(a) modified (19.3.2010) by **The Service Voters Registration Period Order 2010 (S.I. 2010/882)**, **arts. 1(2)**, 2

## 16 Contents of service declaration.

[<sup>F205</sup>(1)] A service declaration shall state—

- (a) the date of the declaration.
- (b) <sup>F206</sup> . . . that on that date the declarant is, or but for the circumstances entitling him to make the declaration would have been, residing in the United Kingdom,
- <sup>F207</sup>(c) . . . . .
- (d) the address where the declarant is or, as the case may be, <sup>F208</sup> . . . would have been residing in the United Kingdom or, if he cannot give any such address, an address at which he has resided in the United Kingdom,
- (e) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland [<sup>F209</sup> or a relevant citizen of the Union],
- (f) whether the declarant had on the date of the declaration attained the age of 18 years, and, if he had not, the date of his birth, and



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(g) such particulars (if any) as may be prescribed of the declarant's identity and service qualifications,

and (except where the declarant is a member of the forces or the [<sup>F210</sup>spouse or civil partner] of such a member) shall be attested in the prescribed manner.

[<sup>F211</sup>(2) In relation to the registration of local government electors in Scotland, a service declaration made by a person claiming to have a service qualification under section 14(1A) does not require to be attested.]

#### Textual Amendments

- F205** S. 16 renumbered as s. 16(1) (S.) (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\), ss. 9\(4\)\(a\), 21](#)
- F206** Words in s. 16(b) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, ss. 8\(a\), 15\(2\), Sch. 1 para. 9\(a\), Sch. 7 Pt. I; S.I. 2001/116, art. 2\(1\)\(2\) \(with art. 2\(4\)\)](#)
- F207** S. 16(c) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, ss. 8\(a\), 15\(2\), Sch. 1 para. 9\(b\), Sch. 7 Pt. I; S.I. 2001/116, art. 2\(1\)\(2\) \(with art. 2\(4\)\)](#)
- F208** Words in s. 16(d) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by [2000 c. 2, ss. 8\(a\), 15\(2\), Sch. 1 para. 9\(c\), Sch. 7 Pt. I; S.I. 2001/116, art. 2\(1\)\(2\) \(with art. 2\(4\)\)](#)
- F209** Words in s. 16(e) inserted (6.8.1995) by [S.I. 1995/1948, regs. 1\(2\), 5\(2\), Sch. 2 paras. 3\(b\), 6](#)
- F210** Words in s. 16 substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263, Sch. 27 para. 81; S.I. 2005/3175, art. 2, Sch. 1](#)
- F211** S. 16(2) inserted (S.) (25.7.2015) by [Scottish Elections \(Reduction of Voting Age\) Act 2015 \(asp 7\), ss. 9\(4\)\(b\), 21](#)

#### Modifications etc. (not altering text)

- C111** Ss. 12–17 extended (N.I) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3\), ss. 2, 13\(6\), Sch. 1 Pt. I](#)
- C112** Ss. 15-17 applied (with modifications) (17.2.1994) by [S.I. 1994/342, regs. 1\(2\)\(3\), 2\(2\), 13\(3\)](#)
- C113** S. 16 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\), ss. 6, 13\(1\), sch. 1 Pts. 1, 2 \(with s. 13\(2\)\)](#)
- C114** S. 16 modified by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\), s. 7A\(5\) \(as inserted \(S.\) \(18.12.2013\) by Scottish Independence Referendum Act 2013 \(asp 14\), ss. 3\(3\), 36\)](#)

## 17 Effect of service declaration.

[<sup>F212</sup>(1) Where a person's service declaration is in force when he applies for registration, he shall be regarded for the purposes of section 4 above as—

(a) resident on the date of the declaration at the address specified in it in accordance with section 16(d) above;

<sup>F213</sup>(b) ..... and

(c) until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.]

(2) Where a service declaration appearing to be properly made out and (where required) attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having had from the date of the declaration or such later date, if any, as appears from it, and as continuing to have, a service qualification.



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[<sup>F214</sup>(3) In relation to the registration of local government electors in Scotland, subsection (2) is subject to section 15(3A).]

#### Textual Amendments

- F212** S. 17(1) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 10**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F213** S. 17(1)(b) repealed (1.10.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), **ss. 14(1)(a)(viii)**, 28; S.I. 2014/2613, art. 2(2)(a)
- F214** S. 17(3) inserted (S.) (25.7.2015) by Scottish Elections (Reduction of Voting Age) Act 2015 (asp 7), **ss. 9(5)**, 21

#### Modifications etc. (not altering text)

- C115** Ss. 12–17 extended (N.I) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **ss. 2, 13(6)**, **Sch. 1 Pt. I**
- C116** Ss. 15–17 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3)**, 2(2), 13(3)
- C117** S. 17 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), **ss. 6, 13(1)**, **sch. 1 Pts. 1, 2** (with s. 13(2))

### *Place and manner of voting at parliamentary elections*

#### <sup>F215</sup>**18 Polling districts and places at parliamentary elections.**

- (1) Every constituency shall be divided into polling districts and subject to the provisions of this section there shall be a polling place designated for each polling district.
- (2) In England <sup>F216</sup>. . . it is the duty of the council of each district or London borough [<sup>F217</sup>, and in Wales it is the duty of the council of each county or county borough,] to divide their area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in their area, and to designate the polling places for those polling districts, and to keep the polling districts and polling places under review, in accordance with the following rules—
- (a) the council shall exercise the powers conferred by this section with a view to giving all electors in so much of the constituency as falls within their area such reasonable facilities for voting as are practicable in the circumstances [<sup>F218</sup>and, in particular, they shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled];
  - (b) <sup>F219</sup>. . . , each parish or community shall in the absence of special circumstances be a separate polling district or districts;
  - (c) the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station;
  - (d) a polling place need not be designated for any polling district, if the size and other circumstances of the district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (3) In Scotland it is the [<sup>F220</sup>duty of every local authority to divide their area into polling districts for the purpose of parliamentary elections for so much of any constituency as

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is situated in their area and to designate the polling places for those polling districts], and to keep the polling districts and polling places under review in accordance with the following rules—

- (a) the [<sup>F221</sup>local authority] shall exercise the powers conferred by this section with a view to giving all electors in [<sup>F222</sup>so much of the constituency as falls within their area] such reasonable facilities for voting as are practicable in the circumstances [<sup>F223</sup>and, in particular, [<sup>F224</sup>the local authority] shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled];
  - (b) [<sup>F225</sup>each electoral ward, within the meaning of section 5 of the Local Government etc. (Scotland) Act 1994, which is wholly or partly within so much of any constituency as falls within their area], shall, in the absence of special circumstances, be a separate polling district or districts;
  - (c) the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station;
  - (d) a polling place need not be designated for any polling district, if the size and other circumstances of the district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.
- (4) In the case of a polling district for which no polling place is designated the polling district shall be taken to be the polling place for the purposes of this Act.
- (5) If <sup>F226</sup> . . . not less than 30 electors in a constituency make a representation to [<sup>F227</sup>the Electoral Commission] that the powers conferred by this section have not been exercised so as to meet the reasonable requirements of the electors in the constituency or any body of those electors, [<sup>F227</sup>the Electoral Commission] shall consider the representation and may, if [<sup>F228</sup>they think fit]—
- (a) direct the council <sup>F226</sup> . . . by whom the powers are exercisable, to make any alterations which [<sup>F227</sup>the Electoral Commission] thinks necessary in the circumstances, and
  - (b) if the council <sup>F229</sup> . . . fails to make those alterations within a month after the direction is given, himself make the alterations,
- and any alterations made by [<sup>F227</sup>the Electoral Commission] under this subsection shall have effect as if they had been made by the council <sup>F229</sup> . . .

In this subsection the expression “interested authority”, in relation to any constituency, means—

- (i) as respects England, the council or where there is no such council the parish meeting of a parish which is wholly or partly situated within the constituency;
  - (ii) as respects Wales, the council of a community which is so situated;
  - <sup>F230</sup>(iii) . . . . .
- (6) On the exercise of any power given by this section, the council <sup>F231</sup> . . . —
- (a) shall publish in the constituency a notice showing the boundaries of any polling districts or polling places constituted as a result of the exercise of the power; <sup>F232</sup>
  - <sup>F233</sup>(b) . . . . .

*Status: Point in time view as at 30/06/2017.*

*Changes to legislation: Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) Subsections (2) to (6) above do not apply to Northern Ireland, and in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to <sup>F234</sup>local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962].

- <sup>F235</sup>(8) Where any alteration of polling districts in an area is made under this section—
- (a) the registration officer who acts for the area shall make such adaptations of his register of parliamentary electors as are necessary to take account of the alteration; and
  - (b) the alteration shall be effective on the date on which the registration officer publishes a notice stating that any such adaptations have been made by him.]
- (9) An election shall not be questioned by reason of—
- (a) any noncompliance with the provisions of this section; or
  - (b) any informality relative to polling districts or polling places.

#### Textual Amendments

- F215** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1)**, 77; S.I. 2006/3412, art. 3, **Sch. 1 para. 14(c)** (subject to transitional provisions in art. 4, Sch. 2); S.I. 2008/1316, **arts 2**, 4
- F216** Words in s. 18(2) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 68(2)**, **Sch. 18** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1)**, 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F217** Words in s. 18(2) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(2)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1)**, 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F218** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 4(1)(a)**
- F219** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 4(1)(b)**, Sch. 5
- F220** Words in s. 18(3) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(a); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F221** Words in s. 18(3)(a) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(b)(i); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F222** Words in s. 18(3)(a) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(b)(ii); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F223** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 4(2)**
- F224** Words in s. 18(3)(a) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(b)(iii); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F225** Words in s. 18(3)(b) substituted (1.4.1996) by 1994 c. 39, s. 142(2)(c); S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F226** Words in s. 18(5) repealed (1.4.1996) by 1994 c. 39, ss. 142(3)(a), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), **Schs. 1**, 2
- F227** Words in s. 18(5) substituted (1.7.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(2)(a)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F228** Words in s. 18(5) substituted (1.7.2001) by 2000 c. 41, s. 158(1), **Sch. 21 para. 6(2)(b)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (subject to transitional provisions in Sch. 2 Pt. II)
- F229** Words in s. 18(5) repealed (1.4.1996) by 1994 c. 39, ss. 142(3)(b), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), **Schs. 1**, 2
- F230** S. 18(5) para. (iii) of the definition of “interested authority” ceased to have effect and repealed (1.4.1996) by 1994 c. 39, ss. 142(3)(c), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), **Schs. 1**, 2
- F231** Words in s. 18(6) ceased to have effect and repealed (1.4.1996) by 1994 c. 39, ss. 142(4), 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(a)(b)(d), **Schs. 1**, 2
- F232** Word repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 4(3)**, **Sch. 5**

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**F233** S. 18(6)(b) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 4(3), Sch. 5

**F234** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, Sch. 4 para. 4(4)

**F235** S. 18(8) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), Sch. 1 para. 11; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

#### Modifications etc. (not altering text)

**C118** S. 18 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, Sch. 3 para. 13 Table 1

S. 18: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by S.I. 2000/2853, reg. 2(1), Sch. 1 D8

**C119** S. 18(1) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C120** S. 18(1) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I

**C121** S. 18(1)(7)(9) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, arts. 3(1)(b)(5)–(8), Sch. 1

S. 18(1)(7)(9) applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, Sch. 2

S. 18(1)(7)(9) applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1

**C122** S. 18(2) extended (11.3.1999) by S.I. 1999/450, art. 6(4) (which S.I. was revoked (29.2.2003) by S.I. 2003/284, art. 1)

**C123** S. 18(3) applied (11.3.1999) by S.I. 1999/787, art. 5(2)

**C124** S. 18(7) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C125** S. 18(9) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I

**C126** S. 18(9) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 5(1)(6)–(8), Sch. 1 Pt. I

### [<sup>F236</sup>18A Polling districts at parliamentary elections]<sup>F237</sup>: Great Britain]

- (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
  - (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;
  - (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 1 of the Local Governance (Scotland) Act 2004) is to be divided into two or more separate polling districts.
- (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—
  - (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.

[ This section does not apply to Northern Ireland.]

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F238(6)

#### Textual Amendments

- F236** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(c) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, **arts 2**, 4
- F237** Words in s. 18A heading inserted (12.12.2013) by [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), **arts. 1(1)**, **9(2)(a)**
- F238** S. 18A(6) inserted (12.12.2013) by [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), **arts. 1(1)**, **9(2)(b)**

#### Modifications etc. (not altering text)

- C127** S. 18A(1) applied (with modifications) by [S.I. 2001/2599](#), **art. 3**, Sch. 1 (as substituted (10.2.2009) by [S.I. 2009/256](#), **arts. 1(2)**, 3, **Sch. 1**)

### **18AA** Polling districts at parliamentary elections: Northern Ireland

F239

- (1) Every constituency in Northern Ireland is to be divided into polling districts.
- (2) The Secretary of State must—
- divide Northern Ireland into polling districts for the purpose of parliamentary elections, and
  - keep the polling districts under review.
- (3) The Secretary of State must seek to ensure that all electors in Northern Ireland have such reasonable facilities for voting as are practicable in the circumstances.
- (4) Before dividing Northern Ireland into polling districts under subsection (2)(a) or completing a review under subsection (2)(b), the Secretary of State must consult—
- the Electoral Commission, and
  - any other person the Secretary of State considers appropriate.
- (5) If an alteration of polling districts is made under this section—
- the Chief Electoral Officer for Northern Ireland must make such adaptations of the registers of parliamentary electors maintained by that officer as are necessary to take account of the alteration, and
  - the alteration is effective on the date on which the Chief Electoral Officer publishes a notice stating that the adaptations have been made.]

#### Textual Amendments

- F236** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(c) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, **arts 2**, 4
- F239** S. 18AA inserted (12.12.2013) by [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), **arts. 1(1)**, **9(3)**

#### Modifications etc. (not altering text)

- C128** S. 18AA applied (with modifications) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), **art. 3**, **Sch. 1** (as amended (30.7.2015) by [S.I. 2015/1610](#), **arts. 1(2)**, 2)

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## 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.
- (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—
  - (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;
  - (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;
  - (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.
- (5) If no polling place is designated for a polling district the polling district is to be taken to be the polling place.

### Textual Amendments

**F236** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 16\(1\)](#), 77; [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(c\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); [S.I. 2008/1316](#), [arts 2](#), 4

### Modifications etc. (not altering text)

**C129** S. 18B applied (with modifications) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), [art. 3](#), [Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256](#), [arts. 1\(2\)](#), 3, [Sch. 1](#); and as amended (30.7.2015) by [S.I. 2015/1610](#), [arts. 1\(2\)](#), 2)

## 18C Review of polling districts and places<sup>[F240]</sup>: Great Britain

- <sup>[F241]</sup>(1) A relevant authority must during each compulsory review period carry out and complete—
- (a) a review under section 18A of all the polling districts in its area, and
  - (b) a review under section 18B of all the polling places in its area.
- (2) The compulsory review periods are—
- (a) the period of 16 months beginning with 1st October 2013, and



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- (b) the period of 16 months beginning with 1st October of every fifth year after that.
- (3) Subsection (1) does not prevent a relevant authority carrying out a review of some or all of the polling districts or polling places in its area at other times.]
- (6) Schedule A1 has effect in relation to a review.

[ This section does not apply to Northern Ireland.]  
F242(7)

#### Textual Amendments

- F236** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(c) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, **arts 2**, 4
- F240** Words in s. 18C heading inserted (12.12.2013) by [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), **arts. 1(1)**, **9(4)(a)**
- F241** S. 18C(1)-(3) substituted for s. 18(1)-(5) (2.4.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), **ss. 17**, 27(1); S.I. 2013/702, **art. 3(c)**
- F242** S. 18C(7) inserted (12.12.2013) by [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), **arts. 1(1)**, **9(4)(b)**

#### [ F243 18CA **Review of polling places: Northern Ireland**

- (1) The Chief Electoral Officer for Northern Ireland must, during each compulsory review year, carry out and complete a review under section 18B of all the polling places in Northern Ireland.
- (2) The compulsory review years are 2014 and every fifth year after that.
- (3) Subsection (1) does not prevent the Chief Electoral Officer carrying out a review under section 18B of some or all of the polling places in Northern Ireland at other times.
- (4) Subsection (1) does not require the Chief Electoral Officer to carry out and complete a review of all the polling places in Northern Ireland during a compulsory review year if reviews under section 18B of all those polling places are completed during the previous year.
- (5) Schedule A1, except paragraphs 2 and 3, has effect in relation to a review under section 18B of polling places in Northern Ireland.]

#### Textual Amendments

- F236** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(c) (subject to transitional provisions in [art. 6](#), Sch. 2); S.I. 2008/1316, **arts 2**, 4
- F243** S. 18CA inserted (12.12.2013) by [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), **arts. 1(1)**, **9(5)**



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## **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—
  - (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.
- (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—
  - (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.
- (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;
  - (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.
- (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;
  - (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.

### **Textual Amendments**

**F236** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 16(1), 77**; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 14(c) (subject to transitional provisions in [art. 6](#), Sch. 2); [S.I. 2008/1316](#), **arts 2, 4**

### **Modifications etc. (not altering text)**

**C130** S. 18D applied (with modifications) by [The Northern Ireland Assembly \(Elections\) Order 2001 \(S.I. 2001/2599\)](#), **art. 3**, **Sch. 1** (as amended (30.7.2015) by [S.I. 2015/1610](#), arts. 1(2), 2)

*Status: Point in time view as at 30/06/2017.*

*Changes to legislation: Representation of the People Act 1983, Part I is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 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
  - (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;
  - (c) in relation to Wales, the council of a county or county borough;
  - <sup>F244</sup>(d) in relation to Northern Ireland, the Chief Electoral Officer for Northern Ireland.]
- <sup>F245</sup>(4) . . . . . ]

### Textual Amendments

**F236** Ss. 18A-18E substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) for s. 18 by [Electoral Administration Act 2006 \(c. 22\), ss. 16\(1\), 77; S.I. 2006/3412, art. 3, Sch. 1 para. 14\(c\)](#) (subject to transitional provisions in [art. 6, Sch. 2](#)); S.I. 2008/1316, [arts 2, 4](#)

**F244** S. 18E(3)(d) inserted (12.12.2013) by [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), arts. 1(1), [9\(6\)\(a\)](#)

**F245** S. 18E(4) omitted (12.12.2013) by virtue of [The Local Elections \(Northern Ireland\) Order 2013 \(S.I. 2013/3156\)](#), arts. 1(1), [9\(6\)\(b\)](#)

### Modifications etc. (not altering text)

**C131** S. 18E applied (with modifications) by [S.I. 2001/2599, art. 3, Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256, arts. 1\(2\), 3, Sch. 1](#))

<sup>F246</sup>19, . . . . .  
20.

### Textual Amendments

**F246** Ss. 19, 20 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)

<sup>F247</sup>21, . . . . .  
22.

### Textual Amendments

**F247** Ss. 21, 22 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)

*Status: Point in time view as at 30/06/2017.*

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### 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.

#### Modifications etc. (not altering text)

**C132** S. 23 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C133** S. 23 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

**C134** S. 23 applied (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**

S. 23 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**

S. 23 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)

## 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 [<sup>F248</sup>in England] which is coterminous with or wholly contained in a county, the sheriff of the county;
  - [<sup>F249</sup>(aa) in the case of a county constituency in Wales which is coterminous with or wholly contained in a preserved county as defined by section 64 of the Local Government (Wales) Act 1994, the sheriff of the county;]
  - (b) in the case of a borough constituency [<sup>F248</sup>in England] which is coterminous with or wholly contained in a district, the chairman of the district council;
  - [<sup>F249</sup>(bb) in the case of a borough constituency in Wales which is coterminous with or wholly contained in a county or county borough, the chairman of the county or county borough council;]
  - (c) in the case of any other constituency [<sup>F248</sup>in England] 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;
  - [<sup>F249</sup>(cc) in the case of any other constituency in Wales, such sheriff or chairman of a county or county borough council as may be designated in an order by the Secretary of State so made;]
  - (d) in the case of a constituency which is coterminous with or wholly contained in a London borough, the mayor of the borough;
  - [<sup>F250</sup>(dd) where a council of a London borough are operating executive arrangements which involve a mayor and cabinet executive [<sup>F251</sup>or a mayor and council

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manager executive] , paragraph (d) shall have effect as if for the words “the mayor” there were substituted “the chairman”]

- (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 [<sup>F252</sup>or the chairman] 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.

[<sup>F253</sup>(1A) In subsection (1), “executive arrangements”, “mayor and cabinet executive” and “mayor and council manager executive” have the same meaning as in Part II of the Local Government Act 2000.]

- (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.

#### Textual Amendments

- F248** Words in s. 24(1)(a)-(c) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(3)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F249** S. 24(1)(aa)(bb)(cc) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(3)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F250** S. 24(1)(dd) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 9(1)(a)**
- F251** Words in s. 24(1)(dd) omitted (E.W.) (30.12.2008) by virtue of Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 74, 245, **Sch. 3 para. 17** and repealed (E.W.) (prosp.) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 241, **Sch. 18 Pt. 3**
- F252** Words in s. 24(1)(e) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 9(1)(b)**
- F253** S. 24(1A) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 9(2)**

#### Modifications etc. (not altering text)

- C135** S. 24(1)(c)(cc)(e) amended (16.2.2001) by 2000 c. 41, s. 7(2)(c) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- C136** S. 24(2) applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

## 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 [<sup>F254</sup>local government] 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 [<sup>F255</sup>local authority for that area];
- (b) in the case of a constituency situated in more than one [<sup>F254</sup>local government] area, such person mentioned above as the Secretary of State may by order direct.

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- (2) [<sup>F256</sup>Every local authority] shall place at the disposal of the returning officer for a constituency wholly or partly situated in [<sup>F257</sup>their] 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 [<sup>F258</sup>authority].

<sup>F259</sup>(3) .....

#### Textual Amendments

- F254** Words in s. 25(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(a)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F255** Words in s. 25(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(a)(ii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F256** Words in s. 25(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(b)(i)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F257** Word in s. 25(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(b)(ii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F258** Word in s. 25(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(3)(b)(iii)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F259** S. 25(3) ceased to have effect and repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 130(3)(c), **Sch. 14**; S.I. 1994/323, art. 4(1)(b)(c)(d), **Sch. 2**

#### Modifications etc. (not altering text)

- C137** S. 25(1) extended (11.3.1999) by S.I. 1999/787, **art. 14(1)**
- C138** S. 25(1)(b) amended (16.2.2001) by 2000 c. 41, s. 7(2)(c) (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)

## 26 Returning officer: Northern Ireland.

- (1) In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the returning officer for each constituency.

[<sup>F260</sup>(2) Sections 14(5) and 14A(2) and (3) of the <sup>M18</sup>Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as returning officer.]

#### Textual Amendments

- F260** S. 26(2) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 5**

#### Modifications etc. (not altering text)

- C139** S. 26 applied (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**
- C140** S. 26(2) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

#### Marginal Citations

- M18** 1962 c.14 (N.I.)

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## 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.

### Modifications etc. (not altering text)

**C141** S. 27(3) applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**

**C142** S. 27(3) applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**

## 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 [<sup>F261</sup>in England] for which the chairman of a district council or the mayor [<sup>F262</sup>or the chairman] of a London borough is returning officer by virtue of section 24(1) above, by the registration officer appointed by that council;
  - <sup>F263</sup>(aa) in the case of a constituency in Wales for which the chairman of a county or county borough council is returning officer by virtue of that section, 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 [<sup>F264</sup>by statutory instrument] 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, [<sup>F265</sup>and a [<sup>F266</sup>Welsh county council or county borough council or a]



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district council or London borough council may assign officers to assist in carrying out all or any of those duties.]

- (6) Section 25 of the <sup>M19</sup>Sheriffs Act 1887 (death of sheriff) does not authorise the undersheriff 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.

#### Textual Amendments

- F261** Words in s. 28(1)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(4)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**
- F262** Words in s. 28(1)(a) inserted (E.) (6.5.2002) by The Local Authorities (Executive Arrangements) (Modification of Enactments) (England) Order 2002 (S.I. 2002/1057), **art. 10**
- F263** S. 28(1)(aa) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(4)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1)(23(2))**); S.I. 1996/396, art. 4, **Sch. 2**
- F264** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 6(a)**
- F265** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 6(b)**
- F266** Words in s. 28(5) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(5)** (with ss. 54(4)(7), 55(5), **Schs. 17 paras. 22(1), 23(2)**); S.I. 1996/396, art. 4, **Sch. 2**

#### Modifications etc. (not altering text)

- C143** S. 28(1) modified (E.W.) (28.11.2008) by The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), **reg. 9(7)** (with reg. 1)
- C144** S. 28(1)(b) amended (16.2.2001) by 2000 c. 41, **s. 7(2)(c)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)
- C145** S. 28(4) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C146** S. 28(5) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C147** S. 28(6) applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 5(1)(6)–(8), **Sch. 1 Pt. I**

#### Marginal Citations

- M19** 1887 c. 55.

## 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.
- (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.
- [<sup>F267</sup>(3) [<sup>F268</sup>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, an order made by the Secretary of State for the purposes of this subsection.



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- (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.
- (3B) The Secretary of State may, in a particular case, 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 he is satisfied that the conditions in subsection (3C) are met.
- (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.]
- (4C) The power to make orders under subsection (3) above shall be exercised by statutory instrument<sup>F269</sup>; and any such order may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.].
- (5) The amount of any <sup>F270</sup>charges recoverable in accordance with this section] 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.
- <sup>F271</sup>(9) If the functions of the Treasury under <sup>F272</sup>subsection (3)] above are transferred to another Minister of the Crown (as defined in section 8(1) of the <sup>M20</sup>Ministers of the Crown Act 1975) by an order under that Act, this section shall have effect as if it required the consent of the Treasury to the exercise of any such function.]

#### Textual Amendments

- F267** S. 29(3)-(3C) substituted for (1.1.2007 for E.W., 1.7.2008 for N.I., 10.2.2010 for S.) by [Electoral Administration Act 2006 \(c. 22\), s. 68\(2\)\(4\), 77\(2\)](#); [S.I. 2006/3412, art. 3, Sch. 1 para. 15\(b\)](#) (with [Sch. 2 para. 1](#)); [S.I. 2008/1316, arts. 2\(2\), 4\(w\)](#); [S.I. 2010/275, art. 3](#) (with [art. 4](#))
- F268** Words in s. 29(3) inserted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 18\(1\), 27\(1\)](#); [S.I. 2014/414, art. 3\(c\)](#) (with [art. 4](#))
- F269** Words in s. 29(4C) added (29.1.2001 for certain purposes and otherwise *prosp.*) by [2000 c. 2, ss. 15\(1\), 17\(3\), Sch. 6 para. 4](#); [S.I. 2001/116, art. 2\(1\)](#) (with [art. 2\(4\)](#))

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- F270** Words in s. 29(5) substituted (22.7.1991) by Representation of the People Act 1991 (c. 11, SIF 42), s. 1(3); S.I. 1991/1634, art. 2
- F271** S. 29(9) inserted (22.7.1991) by Representation of the People Act 1991 (c. 11, SIF 42), s. 1(4); S.I. 1991/1634, art. 2.
- F272** Words in s. 29(9) substituted (1.1.2007 for E.W., 1.7.2008 for N.I., 10.2.2010 for S.) by Electoral Administration Act 2006 (c. 22), s. 68(3)(4), 77(2); S.I. 2006/3412, art. 3, Sch. 1 para. 15(b) (with Sch. 2 para. 1); S.I. 2008/1316, arts. 2(2), 4(w); S.I. 2010/275, art. 3 (with art. 4)

#### Modifications etc. (not altering text)

- C148** S. 29 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I
- C149** S. 29 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), Sch. 1 Pt. I
- C150** S. 29 modified (S.) by S.I. 1986/1111, regs. 2, 97(1)
- C151** S. 29 modified (E.W.) by S.I. 1986/1081, regs. 2, 99(1) (which S.I. was revoked (23.3.2004) by S.I. 2004/294, reg. 3)
- C152** S. 29 applied (with modifications) (11.3.1999) by S.I. 1999/787, arts. 13(5), 18, Sch. 5 Pt. I para. 3  
S. 29 applied (with modifications) (11.3.1999) by S.I. 1999/787, arts. 13(5), 18, Sch. 5 Pt. I para. 3
- C153** S. 29 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, Sch. 1)
- C154** S. 29 applied (with modifications) (30.12.2010 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), arts. 1(1), 18, Sch. 5 para. 3(1)(a)(3) (with art. 1(2)(3)) (as amended (1.7.2015) by S.I. 2015/683, arts. 1, 5 (with arts. 3-9))
- C155** S. 29(3)(4)(4A)(4B)(5)(7)(8) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), reg. 6(1)(a)(3)
- C156** S. 29(3)-(9) applied (with modifications) (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), Sch. 7 para. 4(1)
- C157** S. 29(5)(7)(8) modified (S.) by S.I. 1986/1111, regs. 2, 97(1).
- C158** S. 29(5)(7)(8) modified (E.W.) by S.I. 1986/1081, regs. 2, 99(1) (which S.I. was revoked (23.3.2004) by S.I. 2004/294, reg. 3)

#### Marginal Citations

- M20** 1975 c.26.

### [<sup>F273</sup>29A Inadequate performance of returning officer: reduction of charges

- (1) This section applies to a service rendered by a returning officer for or in connection with a parliamentary election in Great Britain which, in the opinion of the Electoral Commission, was inadequately performed.
- (2) The Commission may recommend to the Secretary of State that the returning officer is entitled under section 29(3) to no more than a specified amount (which may be nil) in respect of that service.
- (3) In making a recommendation under subsection (2), the Commission must have regard to—
  - (a) any report prepared under section 5 of the Political Parties, Elections and Referendums Act 2000 on the administration of the parliamentary election concerned,
  - (b) any assessments of the level of performance of the returning officer in relation to that election under section 9B(4) of that Act,
  - (c) any representations made to the Commission by the returning officer in respect of the performance of the service, and

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- (d) any other information relating to the performance of the service by the returning officer that has been provided to the Commission.
- (4) Where the Commission makes a recommendation under subsection (2), the returning officer is entitled under section 29(3) to no more than the amount (which may be nil) determined by the Secretary of State, having regard to the recommendation by the Commission.]

#### Textual Amendments

**F273** S. 29A inserted (6.4.2014) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 18\(2\), 27\(1\)](#); [S.I. 2014/414, art. 3\(c\)](#) (with art. 4)

### 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.
- (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.

#### Modifications etc. (not altering text)

- C159** S. 30 applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5, Sch. 1 Pt. I](#)
- C160** S. 30 applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3 5\(1\)\(6\)–\(8\)](#), Sch. 1 Pt. I
- C161** S. 30 modified (S.) by [S.I. 1986/1111, regs. 2, 97\(1\)](#)
- C162** S. 30 modified (E.W.) by [S.I. 1986/1081, reg. 99\(1\)](#) (which S.I. was revoked (23.3.2004) by [S.I. 2004/294, reg. 3](#))
- S. 30 modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\), reg. 6\(1\)\(b\)](#)
- C163** S. 30 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)–\(8\)](#), [Sch. 1](#)
- S. 30 applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126, art. 6, Sch. 2](#)
- S. 30 applied (with modifications) (1.8.2001) by [S.I. 2001/2599, art. 3, Sch. 1](#) (as substituted (10.2.2009) by [S.I. 2009/256, arts. 1\(2\), 3, Sch. 1](#))
- C164** S. 30(1)–(3) applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3, Sch. 3 para. 13](#) Table 1

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### *Place and manner of voting at local government elections*

#### **31 Polling districts and stations at local government elections.**

- (1) For elections of county councillors [<sup>F274</sup>in England] . . . , the county council may divide an electoral division into polling districts, and may alter any polling district, and for elections of London borough or district councillors the London borough or district council may divide the London borough or district or any ward thereof into polling districts, and may alter any polling district.
- [<sup>F275</sup>(1A) For elections of county or county borough councillors in Wales, the county or county borough council may divide an electoral division into polling districts and may alter any polling district.]
- [<sup>F276</sup>(1B) For any Authority elections, a London borough council or the Common Council may divide their area into polling districts and may alter any polling district.

For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.]

- (2) In Scotland, for elections of [<sup>F277</sup>local authority] councillors the [<sup>F278</sup>local authority] may divide an electoral [<sup>F279</sup>ward] into polling districts and may alter any polling district, <sup>F280</sup>. . . ; but in the absence of special circumstances those polling districts shall be those which were last designated for the purpose of parliamentary elections under [<sup>F281</sup>section 18A] above.
- (3) Any power to constitute polling districts for the purpose of local government elections shall be exercised so that electors from any parliamentary polling district wholly or partly within the electoral area can, in the absence of special circumstances, be allotted to a polling station within the parliamentary polling place for that district unless the parliamentary polling place is outside the electoral area.
- <sup>F282</sup>(4) . . . . .
- <sup>F283</sup>(6) . . . . .

#### **Textual Amendments**

- F274** Words in s. 31(1) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(6)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8)
- F275** S. 31(1A) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(6)** (with ss. 54(4)(7), 55(5), **Sch. 17 paras. 22(1), 23(2)**); S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8)
- F276** S. 31(1B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 2** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F277** Words in s. 31(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(4)(a)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F278** Words in s. 31(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(4)(b)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F279** Word in s. 31(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 130(4)(c)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F280** Words in s. 31(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), **Sch. 13 para. 130(3)(d)**, **Sch. 14**; S.I. 1996/323, **art. 4(1)(b)(c)(d)**, **Sch. 2**
- F281** Words in s. 31(2) substituted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 108**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 14(aa)(bb)(v)** (subject to transitional provisions in art. 6, **Sch. 2**); S.I. 2008/1316, **arts. 2, 4**

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- F282** S. 31(4)(5) repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 102, [Sch. 17](#)  
**F283** S. 31(6)(7) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 19(5)(6), [Sch. 9 para. 1\(2\)](#)  
and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), ss. 231(7), 235(6), 237, [Sch. 13 Pt. I](#)

**Modifications etc. (not altering text)**

- C165** S. 31: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1 D9](#)  
**C166** S. 31 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), [Sch. 2 Table 1](#)  
**C167** S. 31 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), [regs. 8, 11, 13](#), {[Sch. 4 Table 1](#)}  
**C168** S. 31 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), [reg. 8](#), {[Sch. 4 para. 1 Table 1](#)}  
**C169** S. 31 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), [reg. 1](#), [Sch. 4 para. 1](#)  
**C170** S. 31 applied (with modifications) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), [reg. 1](#), [Sch. 4 para. 1](#) (with [reg. 27](#))  
**C171** S. 31 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), [regs. 1, 8, 12, 13](#), [Sch. 4 Pt. 1](#)  
**C172** S. 31(1)(3) applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298](#), [reg. 8\(1\)](#), [Sch. 3 Table 2](#) (subject to [regs. 9-12, 15-17, 20, 25](#))  
S. 31(3) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), {[Sch. 3 Table 2](#)} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))  
**C173** S. 31(1) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), {[Sch. 3 Table 2](#)} (which S.I. was revoked by [S.I. 2008/1848](#))

**F284** 32– .....  
34

**Textual Amendments**

- F284** Ss. 32–34 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)

*Conduct of local government elections in England and Wales*

**35 Returning officers: local elections in England and Wales.**

(1) In England <sup>F285</sup> . . . [<sup>F286</sup>every non-metropolitan county council] shall appoint an officer of the council to be the returning officer for elections of councillors of the county and every district council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes <sup>F285</sup> . . . within the district.

[<sup>F287</sup>(1A) In Wales the council of every county or county borough shall appoint—

- (a) an officer of the council to be the returning officer for elections of councillors of the county or county borough; and

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- (b) an officer of the council to be the returning officer for elections of councillors of communities within the county or county borough.]

<sup>F288</sup>(2) .....

[<sup>F289</sup>(2A) Subsections (2B) and (2C) below have effect in relation to the Greater London Authority.

(2B) The returning officer at an election of a constituency member of the London Assembly shall be such a person, or a person of such a description, as may be designated by the Secretary of State in an order made by statutory instrument.

(2C) The returning officer—

- (a) at any election of the Mayor of London,  
(b) at the election of the London members of the London Assembly at an ordinary election, and  
(c) for the purposes of section 11 of the 1999 Act (return of London members of the London Assembly otherwise than at an election),

shall be the proper officer of the Greater London Authority.]

(3) The returning officer at an election of London borough councillors shall be the proper officer of the borough.

<sup>F290</sup>(3A) .....

(4) The returning officer at any election mentioned in subsections (1) to ([<sup>F291</sup>3] ) above may by writing under his hand appoint one or more persons to discharge all or any of his functions.

(5) A local government election in England and Wales 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.

[<sup>F292</sup>(6) The council for any London borough shall place the services of its officers at the disposal of any person acting as the returning officer at an Authority election for an electoral area situated wholly or partly in the borough.]

#### Textual Amendments

**F285** Words in s. 35(1) repealed (20.3.1995) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(7), **Sch. 18**; S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8)

**F286** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 16 para. 11**

**F287** S. 35(1A) inserted (20.3.1995 for specified purposes and otherwise 1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(7)**; S.I. 1995/546, art. 3, **Sch.** (with arts. 4-8); S.I. 1996/396, art. 4, **Sch. 2**

**F288** S. 35(2) repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**

**F289** S. 35(2A)-(2C) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 3(1)(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

**F290** S. 35(3A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(3)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**

**F291** Figure 3 now stands within brackets by virtue of Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 12 Pt. II para. 50**

**F292** S. 35(6) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 3(1)(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**



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#### **Modifications etc. (not altering text)**

- C174** S. 35: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1 D6](#)
- C175** S. 35 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007](#) (S.I. 2007/1024), [Sch. 2](#) Table 1
- C176** S. 35(2B) amended (16.2.2001) by [2000 c. 41](#), [s. 7\(2\)\(c\)](#), (with s. 156(6)); [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))
- C177** S. 35(4) applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298](#), [regs. 8\(1\), 10\(4\)](#), [Sch. 3](#) Table 2 (subject to [regs. 9-12, 15-17, 20, 25](#))
- S. 35(4) applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), [reg. 8](#), {[Sch. 3](#) Table 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
- S. 35(4) applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004](#) (S.I. 2004/1962), [art. 6](#), [Sch. 2 Pt. 2](#)
- S. 35(4) applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), [regs. 8, 11, 13](#), {[Sch. 4](#) para. 1 Table 1}
- C178** S. 35(4) applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), [reg. 8](#), {[Sch. 4](#) para. 1 Table 1}
- C179** S. 35(4) applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012](#) (S.I. 2012/323), [reg. 1](#), [Sch. 4 para. 1](#)
- C180** S. 35(4) applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012](#) (S.I. 2012/444), [reg. 1](#), [Sch. 4 para. 1](#) (with [reg. 27](#))
- C181** S. 35(4) applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), [regs. 1, 8, 12, 13](#), [Sch. 4 Pt. 1](#)
- C182** S. 35(4) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), [reg. 17](#), [Sch. 8](#) Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), [regs. 1, 7](#), [Sch. 3](#))

### **36 Local elections in England and Wales.**

- (1) Elections of councillors for local government areas in England and Wales shall be conducted in accordance with rules made by the Secretary of State.
- (2) Rules made under this section shall apply the parliamentary elections rules in Schedule 1 to this Act, subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.

[<sup>F293</sup>(2A) As regards the Greater London Authority—

- (a) Authority elections, and
- (b) the return of London members of the London Assembly otherwise than at an election,

shall be conducted in accordance with rules made under this subsection by the Secretary of State.

Rules made under this subsection need not comply with the requirements of subsection (2) above.

- (2B) As regards lists of candidates submitted under paragraph 5 of Schedule 2 to the 1999 Act (election of London members), the provision that may be made by rules under subsection (2A) above includes provision for or in connection with any of the following—



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- (a) the inclusion, withdrawal, addition or removal of persons;
- (b) cases where a person included in such a list is or becomes, or seeks to become, an individual candidate to be a London member of the London Assembly.]

<sup>F294</sup>[<sup>F295</sup>(3) Where the polls at—

- (a) the ordinary election of district councillors for any district ward or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish <sup>F296</sup>. . . councillors for any parish <sup>F296</sup>. . . or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.

[ Where the polls at—

- <sup>F295</sup>(3AB) (a) the ordinary election of councillors for any electoral division of a Welsh county or county borough or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of community councillors for any community or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.]]

[<sup>F297</sup>(3AC) Where the polls at—

- (a) the ordinary election of councillors for any electoral division of a county in England in which there are no district councils or an election to fill a casual vacancy occurring in the office of such a councillor, and
- (b) the ordinary election of parish councillors for any parish or an election to fill a casual vacancy occurring in the office of such a councillor,

are to be taken on the same day and the elections are for related electoral areas, the polls at those elections shall be taken together.]

(3A) For the purposes of this section electoral areas are related if they are coterminous or if one is situated within the other.

<sup>F298</sup>(3AA) . . . . .

(3B) Where the polls at any elections are combined under this section the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.

(3C) The Secretary of State may by regulations make such provision as he thinks fit in connection with the combining of polls at any elections under this section including provision modifying the Representation of the People Acts in relation to such elections.

(4) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a principal area (that is, a county, [<sup>F299</sup>a county borough]. . . , a district or a London borough) shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.

<sup>F300</sup>(4A) . . . . .

[<sup>F301</sup>(4B) All expenditure properly incurred by a returning officer in relation to the holding of an Authority election shall, in so far as it does not, in cases where there is a scale fixed

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for the purposes of this section by the Greater London Authority, exceed that scale, be paid by the Greater London Authority.]

- (5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a parish<sup>F302</sup> . . . councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the district in which the parish<sup>F302</sup> . . . is situated, exceed that scale, be paid by the district council, but any expenditure so incurred [<sup>F303</sup>shall, if the district council so require, be repaid to that council by the council of the parish<sup>F302</sup> . . . for which the election is held.]
- <sup>F304</sup>[(5A) All the expenditure properly incurred by a returning officer in relation to the holding of an election of a community councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the county or county borough in which the community is situated (“the principal council”), exceed that scale, be paid by the principal council; and if the principal council so require, any expenditure so incurred shall be repaid to them by the community council.]
- (6) Before a poll is taken at an election of a councillor for any local government area in England and Wales the council of that area or, in the case of an election of a parish or community councillor, the council who appointed the returning officer shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.
- [<sup>F305</sup>(6A) Subsection (6) above shall apply in relation to an Authority election as it applies in relation to an election of a councillor for any local government area in England and Wales, but taking the reference to the council of the area as a reference to the Greater London Authority.]
- (7) Rules made under this section shall be—
- (a) made by statutory instrument;
  - (b) subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F293** S. 36(2A)(2B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F294** S. 36(3)(3A)(3B)(3C) substituted (E.W.S.) for s. 36(3) by Representation of the People Act 1985 (c. 50, SIF 42), **s. 17**.
- F295** S. 36(3AB) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(8)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F296** Words in s. 36(3)(b) repealed (20.3.1995) by 1994 c. 19, s. 66(6)(8), Sch. 16 para. 68(8), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F297** S. 36(3AC) inserted (18.3.1998) by 1997 c. 29, s. 33(1), **Sch. 3 para. 17**; S.I. 1998/694, **art. 2**
- F298** S. 36(3AA) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(4)(a)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F299** Words in s. 36(4) inserted (20.3.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(9)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/546, art. 3, **Sch.**
- F300** S. 36(4A) inserted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 19(5)(6), **Sch. 9 para. 1(4)(b)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F301** S. 36(4B) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F302** Words in s. 36(5) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 68(10)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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- F303** Words in s. 36(5) substituted (G.B.) by S.I. 1991/1730, art. 2(2), **Sch. 2 Pt. I**.
- F304** S. 36(5A) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(10)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F305** S. 36(6A) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 4(4)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

#### **Modifications etc. (not altering text)**

- C183** S. 36 amended (16.2.2001) by 2000 c. 41, **s. 7(2)(d)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- C184** S. 36 applied (with modifications) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), **Sch. 2** Table 1
- C185** S. 36(4) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- C186** S. 36(4) excluded (5.7.1994) by 1972 c. 70, s. 37, **Sch. 5 para. 3(2)** (as substituted (5.7.1994) by 1994 c. 19, ss. 3, 66(2)(b), Sch. 3 (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2))  
S. 36(4) excluded (1.3.1995) by S.I. 1995/493, **arts. 1**, 9(6)  
S. 36(4) excluded (8.3.1995) by S.I. 1995/600, **arts. 1**, 7(7)  
S. 36(4) excluded (8.3.1995) by S.I. 1995/610, **arts. 1**, 8(2)
- C187** S. 36(4)(5A) modified (11.3.1999) by S.I. 1999/450, art. 14(7), **Sch. 4 Pt. I para. 3(1)(c)(4)** (which S.I. was revoked (1.3.2003) by S.I. 2003/284, **art. 1**)  
S. 36(4)(5A) modified (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), arts. 1(1), 16(7), **Sch. 4 para. 3(1)(c)(4)(a)**
- C188** S. 36(4)(6) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2 (subject to regs. 9-12, 15-17, 20, 25)  
S. 36(4)(6) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 36(4)(6) applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8**, 11, 13, {Sch. 4 Table 1}
- C189** S. 36(4) modified (1.3.2003) by The National Assembly for Wales (Representation of the People) Order 2003 (S.I. 2003/284), art. 15(7), **Sch. 4 para. 3(1)(c)(4)(a)** (which S.I. was revoked (11.2.2007) by S.I. 2007/236, art. 1(2))  
S. 36(4) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**
- C190** S. 36(4)(6) applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C191** S. 36(4)(5) applied (with modifications) (16.2.2011) by Parliamentary Voting System and Constituencies Act 2011 (c. 1), s. 19(1), **Sch. 5 para. 6**
- C192** S. 36(4)(6) applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums)(England) Regulations 2012 (S.I. 2012/323), **reg. 1**, Sch. 4 para. 1
- C193** S. 36(4)(6) applied (with modifications) (E.) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), **reg. 1**, **Sch. 4 para. 1** (with reg. 27)
- C194** S. 36(4)(6) applied (with modifications) (E.) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C195** S. 36(4)(6) applied (with modifications) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), **reg. 17**, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)
- C196** S. 36(4B) excluded (14.12.1999) by 1999 c. 29, **s. 18(8)**; S.I. 1999/3376, **art. 2**
- C197** S. 36(5) modified (E.W.) by S.I. 1986/1081, **reg. 99(1)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 36(5) modified (E.W.) (23.3.2004) by The Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294), **reg. 6(1)(c)(4)**

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- C198** S. 36(5A) modified (1.3.2003) by [The National Assembly for Wales \(Representation of the People\) Order 2003 \(S.I. 2003/284\)](#), art. 15(7), **Sch. 4 para. 3(1)(c)(4)(b)** (which S.I. was revoked (11.2.2007) by [S.I. 2007/236](#), art. 1(2))  
S. 36(5A) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(1)(c)(4)**
- C199** S. 36(6) modified (E.W.) by [S.I. 1986/1081](#), **reg. 99(1)(2)** (which S.I. was revoked (23.3.2004) by [S.I. 2004/294](#), **reg. 3**)
- C200** S. 36(6) modified (1.3.2003) by [The National Assembly for Wales \(Representation of the People\) Order 2003 \(S.I. 2003/284\)](#), art. 15(7), **Sch. 4 para. 3(2)** (which S.I. was revoked (11.2.2007) by [S.I. 2007/236](#), art. 1(2))  
S. 36(6) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(1)(c)**  
S. 36(6) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(2)**  
S. 36(6) modified (1.2.2007) by [The National Assembly for Wales \(Representation of the People\) Order 2007 \(S.I. 2007/236\)](#), arts. 1(1), 16(7), **Sch. 4 para. 3(2)**
- C201** S. 36(6) applied (with modifications) (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), s. 19(1), **Sch. 5 para. 6**
- C202** S. 36(6A) modified (E.W.) (23.3.2004) by [The Representation of the People \(Combination of Polls\) \(England and Wales\) Regulations 2004 \(S.I. 2004/294\)](#), **reg. 6(1)(c)**

### 37 Ordinary day of local elections in England and Wales.

<sup>F306</sup>(1) In every year the ordinary day of election of councillors is the same for all local government areas in England and Wales and is—

- (a) the first Thursday in May;
- (b) such other day as may be fixed by the Secretary of State by order made not later than 1st February in the year preceding <sup>F307</sup>the year (or, in the case of an order affecting more than one year, the first year) in which the order is to take effect.

<sup>F308</sup>(2) As respects Authority elections, the power conferred by subsection (1)(b) above shall include power to make an order fixing a day other than the first Thursday in May as the day on which the poll is to be held at an ordinary election other than the first.]

<sup>F309</sup>(2A) Subsection (1) is subject to any order under—

- (a) section 37A (local government areas in England), or
- (b) section 37B (local government areas in Wales).]

<sup>F310</sup>(3) The power to make an order under this section is exercisable by statutory instrument.

#### Textual Amendments

- F306** S. 37 renumbered as s. 37(1) (14.12.1999) by [1999 c. 29](#), s. 17, **Sch. 3 para. 5(2)** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376](#), **art. 2**
- F307** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **s. 18(2)**
- F308** S. 37(2) inserted (14.12.1999) by [1999 c. 29](#), s. 17, **Sch. 3 para. 5(5)** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376](#), **art. 2**
- F309** S. 37(2A) inserted (30.12.2007) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 60(1)**, 245
- F310** Words in s. 37 renumbered as s. 37(3) (14.12.1999) by [1999 c. 29](#), s. 17, **Sch. 3 para. 5(4)** (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376](#), **art. 2**

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**Modifications etc. (not altering text)**

- C203** S. 37 excluded (6.2.2004) by [The Local Government \(Ordinary Day of Election\) \(Wales\) Order 2004 \(S.I. 2004/218\)](#), **art. 2(1)**  
S. 37 excluded (13.3.2004) by [The Local Elections \(Ordinary Day of Election 2004\) Order 2004 \(S.I. 2004/222\)](#), **art. 2(1)**

[<sup>F311</sup>**37A Power to change date of local elections to date of European Parliamentary general election: England**

- (1) The Secretary of State may by order provide that in a year in which a European Parliamentary general election is to be held—
  - (a) the ordinary day of election of councillors for counties in England, districts and London boroughs,
  - (b) the ordinary day of election of councillors for parishes, and
  - (c) as respects Authority elections, the day on which the poll is to be held at an ordinary election,
 shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under all of paragraphs (a) to (c) or under one or more of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
  - (a) the local election day in that year, or
  - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
  - (a) the first Thursday in May, or
  - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
- (5) Before making an order under this section, the Secretary of State must consult—
  - (a) the Electoral Commission, and
  - (b) such other persons as he considers appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Welsh Ministers make an order under section 37B, the Secretary of State may by order make such consequential provision in relation to elections in England as he thinks fit.
- (8) The powers under subsections (6) and (7) include power to make—
  - (a) different provision for different purposes;
  - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
- (9) An order under this section must be made by statutory instrument.

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- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

#### Textual Amendments

**F311** Ss. 37A, 37B inserted (30.12.2007) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 60(2), 245**

### **37B Power to change date of local elections to date of European Parliamentary general election: Wales**

- (1) The Welsh Ministers may by order provide that, in a year in which a European Parliamentary general election is to be held, the ordinary day of election of councillors for—
- (a) counties in Wales and county boroughs, and
  - (b) communities,
- shall be changed so as to be the same as the date of the poll at the European Parliamentary general election.
- (2) An order under subsection (1) may make provision under paragraphs (a) and (b) or under one of those paragraphs.
- (3) An order under subsection (1) must relate to a single year and must be made at least six months before—
- (a) the local election day in that year, or
  - (b) if earlier, the date of the poll at the European Parliamentary general election in that year.
- (4) For this purpose “the local election day” in a particular year is—
- (a) the first Thursday in May, or
  - (b) if an order has been made under section 37(1)(b) (power to change date of council and Assembly elections) in relation to that year, the day specified in the order.
- (5) Before making an order under this section, the Welsh Ministers must consult—
- (a) the Electoral Commission, and
  - (b) such other persons as they consider appropriate.
- (6) An order under subsection (1) may make incidental, supplementary or consequential provision or savings.
- (7) Where the Secretary of State makes an order under section 37A, the Welsh Ministers may by order make such consequential provision in relation to elections in Wales as they think fit.
- (8) The powers under subsections (6) and (7) include power to make—
- (a) different provision for different purposes;
  - (b) provision disapplying or modifying the application of an enactment or an instrument made under an enactment.
- (9) An order under this section must be made by statutory instrument.



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- (10) A statutory instrument containing an order made under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.]

**Textual Amendments**

**F311** Ss. 37A, 37B inserted (30.12.2007) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 60(2), 245**

**F312** 38 .....

**Textual Amendments**

**F312** S. 38 repealed by [Representation of the People Act 1985](#) (c. 50, SIF 42), **ss. 24, 28** Sch. 4 para. 7, Sch. 5

**39 Local elections void etc. in England and Wales.**

- (1) If in England and Wales at <sup>F313</sup>a local government election, other than an election for the return of the London members of the London Assembly,]—
  - (a) the poll is countermanded or abandoned for any reason, or
  - (b) no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held,

the returning officer <sup>F314</sup> . . . shall order an election to fill any vacancy which remains unfilled to be held on a day appointed by him.

That day shall be within the period of [<sup>F315</sup>35 days] (computed according to section 40 below) beginning with the day fixed as the day of election for the first mentioned election.

<sup>F316</sup>(1A) .....

- (2) If for any other reason an election to an office under the <sup>M21</sup>Local Government Act 1972 [<sup>F317</sup>or the 1999 Act] . . . , other than that of chairman of a parish or community council or parish meeting or parish or community councillor, is not held on the appointed day or within the appointed time, or fails either wholly or in part or becomes void, the High Court may order an election to be held on a day appointed by the court.
- (3) The High Court may order that the costs incurred by any person in connection with proceedings under subsection (2) above shall be paid by the local authority concerned.
- (4) In a case not falling within subsection (1) above—
  - (a) if any difficulty arises with respect to an election of parish or community councillors or of an individual parish or community councillor, or to the first meeting of a parish or community council after an ordinary election of parish or community councillors, or
  - (b) if a parish or community council is not properly constituted because an election is not held or is defective or for any other reason,
 the district council [<sup>F318</sup>or Welsh county or county borough council]—



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- (i) may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or meeting and properly constituting the council, and
  - (ii) may, if it appears to them necessary, direct the holding of an election or meeting and fix the date for it.
- (5) Where an election is ordered to be held under this section—
- (a) rules under section 36 above relating to the notice to be given of an election and the manner in which an election is to be conducted apply in relation to the election so ordered to be held as they applied or would have applied in relation to the election which has not been duly held or has failed or become void;
  - (b) no fresh nomination is necessary in the case of a candidate who remains validly nominated for that election.
- (6) An order made—
- (a) under this section may include such modifications of the provisions of—
    - (i) this Part of this Act (and the rules under section 36), and
    - (ii) the <sup>M22</sup>Local Government Act 1972 [<sup>F319</sup>or the 1999 Act] . . . ,as appear to the High Court, or, as the case may be, the district council [<sup>F318</sup>or Welsh county or county borough council], necessary or expedient for carrying the order into effect;
  - (b) by a <sup>F320</sup>. . . council under subsection (4) above with respect to an election of parish or community councillors may modify the provisions of—
    - (i) this Act (and the rules with respect to such elections under section 36); and
    - (ii) any other enactment relating to such elections.
- (7) In the case of a common parish council under which are grouped, by virtue of section 11(5) of the Local Government Act 1972 (grouping of parishes), parishes situated in different districts, references in subsections (4) and (6) above to the district council shall be construed as references to the council of the district in which there is the greater number of local government electors for the parishes in the group.
- <sup>F321</sup>(8) . . . . .
- (9) If a municipal election in a London borough is not held on the appointed day or within the appointed time or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from acting.

#### Textual Amendments

- F313** Words in s. 39(1) substituted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 6(1)(2)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F314** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102, **Sch. 17**
- F315** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), **s. 19(2)**
- F316** S. 39(1A) inserted after s. 39(1) by Local Government Act 1985 (c. 51, SIF 81:1), s. 19(5)(6), **Sch. 9 para. 1(5)** and repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237, **Sch. 13 Pt. I**
- F317** Words in s. 39(2) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 6(1)(3)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F318** Words in s. 39(4)(6)(a) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 68(11)(a)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

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- F319** Words in s. 39(6)(a)(ii) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 6(1)(4)** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**
- F320** Word in s. 39(6)(b) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), **Sch. 16 para. 68(11)(b)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F321** S. 39(8) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 8, **Sch. 5**

#### Modifications etc. (not altering text)

- C204** S. 39 applied (with modifications) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), **Sch. 2** Table 1 (as amended (6.4.2014) by S.I. 2014/370, **art. 6(3)**)
- C205** S. 39(1) restricted (E.W.S.) by Representation of the People Act 1985 (c. 50, SIF 42), s. 21(2)(c)  
S. 39(1) applied (with modifications) (29.2.2000) by S.I. 2000/208, rule 3(1), **Sch. 1 Pt. VII para. 51(2)**  
S. 39(1) applied (with modifications) (29.2.2000) by S.I. 2000/208, rule 3, **Sch. 4 para. 15**  
S. 39(1) applied (with modifications) (15.3.2000) by S.I. 2000/427, rule 3(1), **Sch. 1 para. 51** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, **rule 1(1)(2)(a)**)  
S. 39(1) applied (with modifications) (15.3.2000) by S.I. 2000/427, rule 3, **Sch. 4 para. 15** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, **rule 1(1)(2)(a)**)  
S. 39(1) applied (with modifications) (1.3.2004) by S.I. 2002/427, Sch. 8 rule 54 (as substituted by The Greater London Authority Elections (Amendment) Rules 2004 (S.I. 2004/227), rule 2(8), **Sch. 5**)  
S. 39(1) applied (with modifications) (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), **reg. 3(2)**, {Sch. 1 rule. 60(2)}  
S. 39(1) applied (with modifications) (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), **reg. 5(3)**, {Sch. 5 rule. 60(2)}
- C206** S. 39(1)(5) applied (29.2.2000) by S.I. 2000/208, rule 3(3), **Sch. 3 para. 56(1)**  
S. 39(1)(5) applied (E.W.) (1.3.2004) by S.I. 1986/2214, Sch. 3 rule 49 (as substituted by The Local Elections (Principal Areas) (Amendment) (England and Wales) Rules 2004 (S.I. 2004/223), rule 2(7), **Sch.** (which S.I. was revoked (2.1.2007) by S.I. 2006/3304, rule1(4), Sch. 1))  
S. 39(1)(5) applied (29.2.2000) by S.I. 2000/208, rule 3(3), **Sch. 3 para. 56(1)**  
S. 39(1)(5) applied (E.W.) (1.3.2004) by S.I. 1986/2215, Sch. 3 rule 49 (as substituted by The Local Elections (Parishes and Communities) (Amendment) (England and Wales) Rules 2004 (S.I. 2004/224), rule 2(7), **Sch.** (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule1(4), Sch. 1))  
S. 39(1)(5) applied (with modifications) (1.3.2004) by S.I. 2002/427, Sch. 10 rule 58 (as substituted by The Greater London Authority Elections (Amendment) Rules 2004 (S.I. 2004/227), rule 2(8), **Sch. 5** (which S.I. was revoked (14.1.2008) by S.I. 2007/3541, rule 1(1)(2)(d)))  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304), rules 1(2), 3, **Sch. 2 para. 55(1)**  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304), rules 1(2), 4, **Sch. 3 para. 55(1)**  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), rules 1(2), 3, **Sch. 2 para. 55(1)**  
S. 39(1)(5) applied (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), rules 1(2), 4, **Sch. 3 para. 55(1)**  
S. 39(1)(5) applied (E.W.S.) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), reg. 4, **Sch. 3 para. 60(1)**  
S. 39(1)(5) applied (E.W.S.) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), reg. 3(1), **Sch. 1 para. 60(1)**  
S. 39(1)(5) applied (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), reg. 5(5), **Sch. 7 rule 65(2)**  
S. 39(1)(5) applied (14.1.2008) by The Greater London Authority Elections Rules 2007 (S.I. 2007/3541), reg. 3(4), **Sch. 3 rule 65(2)**

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- C207** S. 39(1)(5) applied (E.W.) (13.3.2004) by S.I. 2002/185, Sch. 3 rule 54(1) (as substituted by [The Local Elections \(Mayoral Elections\) \(England and Wales\) Regulations 2004](#) (S.I. 2004/225), reg. 2(7), **Sch.**)
- C208** S. 39(4) modified (E.W.S.) by [Representation of the People Act 1985](#) (c. 50, SIF 42), **s. 21(2)(b)**  
S. 39(4): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1 D10**
- C209** S. 39(7) applied (E.W.S.) by [Representation of the People Act 1985](#) (c. 50, SIF 42), **s. 21(3)**

#### Marginal Citations

- M21** 1972 c. 70  
**M22** 1972 c. 70.

## 40 Timing as to local elections in England and Wales.

- (1) When the day on which anything is required to be done by section 37 or section 39 above <sup>F322</sup>... [<sup>F323</sup>or section 3 of the 1999 Act] is a [<sup>F324</sup>Saturday, Sunday, Christmas Eve, Christmas Day, <sup>F325</sup>... Good Friday, bank holiday] or a day appointed for public thanksgiving or mourning, the requirement shall be deemed to relate to the first day thereafter which is not one of the days specified above.

<sup>F326</sup> .....

- (2) Where under subsection (1) above the day of election is postponed, the day to which it is postponed shall be treated for the purposes of this Act [<sup>F327</sup>and the <sup>M23</sup>Local Government Act 1972][<sup>F328</sup>and (in the case of an Authority election) the 1999 Act] as the day of election.
- (3) In computing any period of time for the purpose of any rules under section 36 above or for the purposes of section 39 any day specified in subsection (1) shall be disregarded; but where between the giving of a notice of election and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provision, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.

This subsection, so far as it relates to any such rules, has effect subject to the provisions of those rules.

#### Textual Amendments

- F322** Words in s. 40(1) omitted (2.4.2013) by virtue of [Electoral Registration and Administration Act 2013](#) (c. 6), **ss. 15(3), 27(1)**; S.I. 2013/702, **art. 3(b)**
- F323** Words in s. 40(1) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 7(1)(2)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**
- F324** Words substituted by [Representation of the People Act 1985](#) (c. 50, SIF 42), **s. 19(1)(a)**
- F325** Words in s. 40(1) repealed (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 20, 74(2), 77**, **Sch. 1 para. 50, Sch. 2**; S.I. 2006/3412, **art. 3**, **Sch. 1 para. 14(g)(aa)(bb)(ii)(cc)(v)** (subject to transitional provisions in **art. 6, Sch. 2**); S.I. 2008/1316, **arts. 2, 4**
- F326** Words repealed by [Representation of the People Act 1985](#) (c. 50, SIF 42), **ss. 19(1)(b), 28**, **Sch. 5**
- F327** The words “and the Local Government Act 1972” now stand in the text by virtue of the [Education Reform Act 1988](#) (c. 40, SIF 41:1), **ss. 231(7), 235(6), 237**, **Sch. 12 Pt. II para. 51**
- F328** Words in s. 40(2) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 7(1)(3)** (with **Sch. 12 para. 9(1)**); S.I. 1999/3376, **art. 2**

*Status: Point in time view as at 30/06/2017.*

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**Modifications etc. (not altering text)**

**C210** S. 40 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), **Sch. 2** Table 1

**C211** S. 40(3) applied (E.W.S.) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **s. 21(3)**

**Marginal Citations**

**M23** 1972 c. 70.

*Conduct of local government elections in Scotland*

**41 Returning officers: local elections in Scotland.**

- (1) Every local authority in Scotland shall appoint an officer of the authority to be the returning officer for each election of councillors for the authority, and if the person so appointed dies, resigns or is for any other reason unable to act, the authority may appoint another person to be returning officer at that election.
- (2) A returning officer in Scotland appointed under this Act may by writing under his hand appoint one or more persons to discharge all or any of his functions.
- (3) A local government election in Scotland 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.

**Modifications etc. (not altering text)**

**C212** S. 41 extended (11.3.1999) by [S.I. 1999/787](#), **art. 14**

**42 Local elections in Scotland.**

<sup>F329</sup>(1) .....

<sup>F329</sup>(2) .....

<sup>F329</sup>(3) .....

<sup>F329</sup>(4) .....

(5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor to a local authority shall be paid by the council of that authority, but only (in cases where there is a scale fixed for the purposes of this section by that council) in so far as it does not exceed that scale.

(6) Before a poll is taken at an election for a councillor for a local government area in Scotland, the council for that area shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

<sup>F329</sup>(7) .....

*Status: Point in time view as at 30/06/2017.*

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### Textual Amendments

**F329** S. 42(1)-(4)(7) repealed (S.) (2.5.2007) by [Local Governance \(Scotland\) Act 2004 \(asp 9\)](#), **ss. 5(1)(a)**, 17(2); [S.S.I. 2007/25](#), **art. 2(2)**

### Modifications etc. (not altering text)

**C213** S. 42(5) modified (S.) by [S.I. 1986/1111](#), **regs. 2**, 97(1)

**C214** S. 42(5)(6) modified (11.3.1999) by [S.I. 1999/787](#), **art. 13(5)**, **Sch. 5 Pt. I para. 3(1)(c)** (which S.I. was revoked (21.11.2002 except for specified purposes) by [S.I. 2002/2779](#), **arts. 1**, 2 (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), **art. 2(a)**))

S. 42(5)(6) modified (21.11.2002 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2002 \(S.I. 2002/2779\)](#), **arts. 1**, 14(5), **Sch. 5 para. 3(1)(c)(2)** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), **art. 2(a)**)

S. 42(5)(6) modified (15.3.2007 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2007 \(S.I. 2007/937\)](#), **arts. 1**, 14(5), **Sch. 5 para. 3(1)(c)**

**C215** S. 42(5)(6) modified (30.12.2010 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2010 \(S.I. 2010/2999\)](#), **art. 1(1)**, **Sch. 5 para. 3(1)(c)(2)** (with **art. 1(2)(3)**)

**C216** S. 42(5)(6) modified (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), **art. 1(1)**, **sch. 5 para. 3(1)(b)** (with **art. 1(2)**)

**C217** S. 42(6) modified (S.) by [S.I. 1986/1111](#), **regs. 2**, 97(1)(2)

**C218** S. 42(6) modified (11.3.1999) by [S.I. 1999/787](#), **art. 13(5)**, **Sch. 5 Pt. I para. 3(2)** (which S.I. was revoked (21.11.2002 except for specified purposes) by [S.I. 2002/2779](#), **arts. 1**, 2 (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), **art. 2(a)**))

**C219** S. 42(6) modified (S.) (16.12.2015) by [The Scottish Parliament \(Elections etc.\) Order 2015 \(S.S.I. 2015/425\)](#), **art. 1(1)**, **sch. 5 para. 3(2)** (with **art. 1(2)**)

## 43 Day of ordinary local elections in Scotland, and other timing provisions.

[<sup>F330</sup>(1) [<sup>F331</sup>Subject to subsection (1AA),] in every year in which ordinary elections of councillors for local government areas in Scotland are held, the [<sup>F332</sup>day on which the poll is held at an] election is—

- (a) the first Thursday in May; or
- (b) such other day as may be fixed by the Secretary of State by order made by statutory instrument not later than 1st February in the year preceding the year or, in the case of an order affecting more than one year, the first year in which the order is to take effect.

(1A) An order made under subsection (1)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[<sup>F333</sup>(1AA) The poll shall not be held on the day specified in or fixed under subsection (1) where that day is the day of the poll at an ordinary general election for membership of the Scottish Parliament.

(1AB) Where subsection (1AA) prevents the poll being held on the day specified in or fixed under subsection (1), the poll is to be held on such other day as the Scottish Ministers may by order specify.

(1AC) An order under subsection (1AB) is subject to the affirmative procedure.]

[<sup>F334</sup>(1B) Despite subsection (1) above—

- <sup>F335</sup>(a) .....



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- (b) if an extraordinary general election is, under section 3(2) of [<sup>F336</sup>the Scotland Act 1998 (c. 46) (“the 1998 Act”)] (which enables the holding of such an election), to be held on a day occurring within the relevant period, the Scottish Ministers may, by order, provide that the poll at the ordinary local election to be held that year shall be held on that day;
- (1C) In subsection (1B) above—
- “extraordinary general election” means a general election for membership of the Scottish Parliament held under section 3 of the 1998 Act;  
<sup>F337</sup> . . . . .
- “ordinary local election” means an ordinary election of councillors for local government areas in Scotland held in accordance with section 5 of the 1994 Act and this Act;
- “relevant period” means the period beginning with 11th March in a year in which an ordinary local election falls to be held and ending with the day which immediately precedes the first Thursday in May in that year, and references to the time when a local election falls or does not fall to be held are to be construed in accordance with section [<sup>F338</sup>5(1A) or (1B)] of the 1994 Act.
- (1D) An order under subsection (1B) above shall be made by statutory instrument.]
- (2) Where—
- (a) the day or the last day on which anything is required or permitted to be done by any rules under section 42 above, or
- (b) the day on which anything is required to be done under subsection (1) [<sup>F339</sup>or (1B)] above <sup>F340</sup> . . . or section 45(1) below,
- is a [<sup>F341</sup>Saturday] Sunday, [<sup>F341</sup>Christmas Eve] Christmas Day, New Year’s Day, [<sup>F341</sup>Maundy Thursday] Good Friday, bank holiday, or a public holiday, or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned, but, save as aforesaid or as otherwise expressly provided in this Act or by the <sup>M24</sup>Local Government [<sup>F342</sup>etc. (Scotland) Act 1994], in reckoning a number of days [<sup>F343</sup>for the purposes of this Part of this Act in so far as it relates to the conduct of local government elections in Scotland], the days before specified shall not be excluded.
- (3) Where [<sup>F344</sup>the day on which the poll is held at] an election is postponed under subsection (2) above, the day on which the election is held shall be treated as the day of [<sup>F345</sup>poll] for all purposes of this Act or that Act of [<sup>F346</sup>1994] relating to that election.
- (4) Where a day is declared to be a bank holiday or day of public thanksgiving or mourning, nothing in subsection (3) above affects the validity of any act done in relation to an election before or on the date of the declaration.

#### Textual Amendments

**F330** S. 43(1)(1A) substituted (S.) (1.4.1996) for s. 43(1) by 1994 c. 39, ss. 6, 7(2); S.I. 1996/323, art. 4(1) (a), Sch. 1

**F331** Words in s. 43(1) inserted (18.5.2017) by Scotland Act 2016 (c. 11), ss. 5(10), 72(4)(a); S.I. 2017/608, reg. 2(1)(c)

**F332** Words in s. 43(1) substituted (S.) (retrospectively) by Scottish Local Government (Elections) Act 2002 (asp 1), s. 4(3)(a)(6)(a)

*Status: Point in time view as at 30/06/2017.*

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- F333** S. 43(1AA)-(1AC) inserted (18.5.2017) by [Scotland Act 2016 \(c. 11\)](#), **ss. 5(11)**, 72(4)(a); S.I. 2017/608, reg. 2(1)(c)
- F334** S. 43(1B)-(1D) inserted (S.) (22.1.2002) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\)](#), **s. 2(1)**
- F335** S. 43(1B)(a) repealed (30.4.2010) by [Scottish Local Government \(Elections\) Act 2009 \(asp 10\)](#), s. 3(3), **Sch. para. 1(2)(a)**; S.S.I. 2010/132, art. 2
- F336** Words in s. 43(1B)(b) substituted (30.4.2010) by [Scottish Local Government \(Elections\) Act 2009 \(asp 10\)](#), s. 3(3), **Sch. para. 1(2)(b)**; S.S.I. 2010/132, art. 2
- F337** Words in s. 43(1C) repealed (30.4.2010) by [Scottish Local Government \(Elections\) Act 2009 \(asp 10\)](#), s. 3(3), **Sch. para. 1(3)(a)**; S.S.I. 2010/132, art. 2
- F338** Words in s. 43(1C) substituted (30.4.2010) by [Scottish Local Government \(Elections\) Act 2009 \(asp 10\)](#), s. 3(3), **Sch. para. 1(3)(b)**; S.S.I. 2010/132, art. 2
- F339** Words in s. 43(2)(b) inserted (S.) (22.1.2002) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\)](#), **s. 2(2)**
- F340** ", or section 44(2)" repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, **Sch. 5**
- F341** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **s. 19(3)**
- F342** Words in s. 43(2) substituted (S.) (retrospective to 8.11.1994) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\)](#), **s. 4(3)(b)(6)(b)**
- F343** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), **s. 19(3)**
- F344** Words in s. 43(3) inserted (S.) (retrospectively) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\)](#), **s. 4(3)(c)(i)(6)(a)**
- F345** Word in s. 43(3) substituted (S.) (retrospectively) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\)](#), **s. 4(3)(c)(ii)(6)(a)**
- F346** Word in s. 43(3) substituted (S.) (retrospective to 8.11.1994) by [Scottish Local Government \(Elections\) Act 2002 \(asp 1\)](#), **s. 4(3)(c)(iii)(6)(b)**

**Modifications etc. (not altering text)**

- C220** S. 43 excluded (S.) (8.11.1994) by [1994 c. 39](#), **ss. 5(2)**, 7(2); S.I. 1994/2850, art. 2, **Sch. 1**

**Marginal Citations**

- M24** 1973 c. 65.

**F347** 44 .....

**Textual Amendments**

- F347** S. 44 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, Sch. 4 para. 9, **Sch. 5**

**45 Non-election of local authority etc. in Scotland.**

(1) If in Scotland—

- F348**(a) for any reason a local authority or members of a local authority are not elected in accordance with the provisions of this Act and the <sup>M25</sup>Local Government (Scotland) Act 1973, and the case is not otherwise provided for, or
- (b) there is for any reason no legally constituted local authority for any area, or
- (c) the number of members of a local authority then in office is less than the quorum ascertained in accordance with the provisions of Schedule 7 to that Act of 1973 (meetings and proceedings of local authorities).



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the Secretary of State may direct the holding of an election for filling such vacancies as exist, and the election shall be held as soon as practicable after that, on a date to be fixed by him.

- (2) The Secretary of State may in that direction—
- (a) make such provision as appears to him expedient for authorising any person to act in place of a local authority pending the election of members of the authority by an election under subsection (1) above; and
  - (b) make such incidental, consequential, transitional or supplemental provision as appears to him to be necessary or proper.

#### Textual Amendments

**F348** By [The Scottish Local Government Elections Order 2007 \(S.S.I. 2007/42\)](#), [art. 5](#), it is provided that (S.) (17.2.2007 except for the purposes of any election to be held on or before 2.5.2007) the words "this Act, the Local Government etc. (Scotland) Act 1994 and the Local Governance (Scotland) Act 2004" be substituted for the words "this Act and the Local Government etc. (Scotland) Act 1994"

#### Modifications etc. (not altering text)

**C221** S. 45 applied (with modifications) (temp. from 6.4.1995 to 1.4.1996) by [S.I. 1995/789](#), [art. 2](#), [Sch. para. 7](#)

S. 45 applied (S.) (13.11.2002 except for specified purposes) by [The Scottish Local Government Elections Rules 2002 \(S.S.I. 2002/457\)](#), [rules 1\(2\), 4](#), [Sch. 2 rule 48\(1\)](#) (which S.I. was revoked (17.2.2007) by [S.S.I. 2007/42](#), [art. 6\(1\)](#) (subject to [art. 6\(2\)](#))

#### Marginal Citations

**M25** 1973 c. 65.

### *Supplemental provisions as to local government elections*

#### 46 Further provision as to local election voting.

- (1) At a local government election for any electoral area no person shall as an elector and no person shall as proxy for any one elector—
- (a) give more than one vote for any one candidate; or
  - (b) give more votes in all than the total number of councillors to be elected for the electoral area.

[<sup>F349</sup>but this subsection does not apply in relation to Authority elections (where the votes allowed to be given are as specified in the applicable provisions of section 4, 10 or 16 of the 1999 Act).]

- (2) No person is subject to any incapacity to vote at a local government election by reason of his being or acting as returning officer at that election.

#### Textual Amendments

**F349** Words in s. 46(1) inserted (14.12.1999) by [1999 c. 29](#), [s. 17](#), [Sch. 3 para. 8](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376](#), [art. 2](#)

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#### Modifications etc. (not altering text)

**C222** S. 46 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007](#) (S.I. 2007/1024), **Sch. 2** Table 1

### 47 Loan of equipment for local elections.

- (1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament, may, on request, be lent to the returning officer at a local government election on such terms and conditions as [<sup>F350</sup>the Electoral Commission] may determine.
- (2) Any ballot boxes, fittings and compartments provided by or belonging to—
  - (a) a local authority within the meaning of the <sup>M26</sup>Local Government Act 1972, or
  - (b) a local authority within the meaning of the <sup>M27</sup>Local Government (Scotland) Act 1973.

as the case may be, shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under those Acts <sup>F351</sup> . . . on such terms and conditions as may be agreed.

#### Textual Amendments

**F350** Words in s. 47(1) substituted (16.2.2001) by [2000 c. 41, s. 158\(1\), Sch. 21 para. 6\(4\)](#) (with s. 156(6)); [S.I. 2001/222, art. 2, Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

**F351** Words inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 19\(5\)\(6\), Sch. 9 para. 1\(7\)](#) and repealed by [Education Reform Act 1988 \(c. 40, SIF 41:1\), ss. 231\(7\), 235\(6\), 237, Sch. 13 Pt. I](#)

#### Modifications etc. (not altering text)

**C223** S. 47 applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298, regs. 8\(1\), 10\(4\), Sch. 3](#) Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)

S. 47 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))

S. 47 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004](#) (S.I. 2004/870), **reg. 10, Sch. 4** (which S.I. was revoked by [S.I. 2008/1848](#))

S. 47 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004](#) (S.I. 2004/1962), **art. 6(2), Sch. 2 Pt. 2**

S. 47 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}

**C224** S. 47 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007](#) (S.I. 2007/1024), **Sch. 2** Table 1 (as amended (6.4.2014) by [S.I. 2014/370, art. 6\(3\)](#))

**C225** S. 47 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}

**C226** S. 47 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012](#) (S.I. 2012/323), **reg. 1, Sch. 4 para. 1**

**C227** S. 47 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012](#) (S.I. 2012/444), **reg. 1, Sch. 4 para. 1** (with **reg. 27**)

**C228** S. 47 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), **regs. 1, 8, 12, 13, Sch. 4 Pt. 1**

*Status: Point in time view as at 30/06/2017.*

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- C229** S. 47 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, [Sch. 3](#))
- C230** S. 47 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, [Sch. 1 para. 6](#) (with [Sch. 1 para. 1\(3\)](#))
- C231** S. 47(1): functions of the Treasury under s. 47(1) transferred to the Secretary of State by [S.I. 1991/1728](#), [art.2](#).  
S. 47(1) applied (with modifications) (31.7.1997) by [1997 c. 61, s. 3, Sch. 3 para. 13](#) Table 1

#### Marginal Citations

- M26** 1972 c. 70.  
**M27** 1973 c. 65.

## 48 Validity of local elections, and legal costs.

- (1) No local government election shall be declared invalid by reason of any act or omission of the returning officer or any other person in breach of his official duty in connection with the election or otherwise of rules under section 36 or section 42 above 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.
- (2) A local government election, unless questioned by an election petition within the period fixed by law for those proceedings, shall be deemed to have been to all intents a good and valid election.
- (3) The council which is required to pay the expenses properly incurred by a returning officer in relation to any local government election may treat those expenses as including all costs properly incurred by the returning officer in connection with or in contemplation of any legal proceedings arising out of the election (including any criminal proceedings against the returning officer), whether or not the proceedings are in fact instituted.
- [<sup>F352</sup>(3A) In the application of subsection (3) above in relation to an Authority election, the Greater London Authority shall be treated as the council which is required to pay the expenses properly incurred by the returning officer.]
- (4) In Scotland the election of a member of a local authority shall not be affected by reason only of any nullity or irregularity in the election of any other member of the authority.

#### Textual Amendments

- F352** S. 48(3A) inserted (14.12.1999) by [1999 c. 29, s. 17, Sch. 3 para. 9](#) (with [Sch. 12 para. 9\(1\)](#)); [S.I. 1999/3376, art. 2](#)

#### Modifications etc. (not altering text)

- C232** S. 48 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), [Sch. 2](#) Table 1

*Status: Point in time view as at 30/06/2017.*

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*Supplemental provisions as to parliamentary and local government elections*

**49 Effect of registers.**

<sup>F353</sup>(1) .....

<sup>F353</sup>(2) .....

<sup>F354</sup>(3) .....

(4) Any entry in the register of parliamentary or local government electors, if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Part relating to him as elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an election at which the day fixed for the poll is that or a later date.

[<sup>F355</sup>(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.]

[<sup>F356</sup>(5) A person registered as a parliamentary or local government elector, or entered in the list of proxies, shall not be excluded from voting on any of the following grounds: but this shall not prevent the rejection of the vote on a scrutiny, or affect his liability to any penalty for voting.

The grounds are—

- (a) that he is not of voting age;
- (b) that he [<sup>F357</sup>is not or was not at any particular time]—
  - (i) a Commonwealth citizen;
  - (ii) a citizen of the Republic of Ireland;
  - (iii) in the case of a person registered as a parliamentary elector in pursuance of an overseas elector’s declaration, a British citizen;
  - (iv) in the case of a person registered as a local government elector or entered in the list of proxies by virtue of being a relevant citizen of the Union, a relevant citizen of the Union;
- (c) that he [<sup>F358</sup>is or was at any particular time] otherwise subject to any other legal incapacity to vote.]

<sup>F359</sup>(6) .....

**Textual Amendments**

**F353** S. 49(1)(2) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(1), Sch. 1 para. 12(2), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))

**F354** S. 49(3) repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, Sch. 5

**F355** S. 49(4A) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, Sch. 1 para. 7; S.I. 2006/3412, art. 3, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), 2(2))

**F356** S. 49(5) substituted (6.8.1995) by S.I. 1995/1948, reg. 5(2), Sch. 2 paras. 5, 6

**F357** Words in s. 49(5)(b) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 4 para. 16(2)(a) (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)

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- F358** Words in s. 49(5)(c) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 16(2)(b)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F359** S. 49(6) omitted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by virtue of Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 16(3)** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)

#### **Modifications etc. (not altering text)**

- C233** S. 49 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C234** S. 49 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. 1**
- C235** S. 49 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C236** S. 49 modified (17.2.1994) by S.I. 1994/342, **regs. 2(2)**, 15(3), 16(3)  
S. 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)–(8), **Sch. 1**  
S. 49 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 49 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C237** S. 49 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), reg. 1, **Sch. 1 para. 7** (with Sch. 1 para. 1(3))
- C238** S. 49(2)–(5) modified (N.I.) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **s. 13(5)(6)**
- C239** S. 49(2)(4)(5) applied (with modifications) (31.7.1997) by 1997 c.61, s. 3, **Sch. 3 para. 13** Table 1
- C240** S. 49(4)(5) applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2 (subject to regs. 9–12, 15–17, 20, 25)  
S. 49(4)(5) applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 49(4)(5) applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C241** S. 49(4)–(5) applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C242** S. 49(4)(5) applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C243** S. 49(4)(5) applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums)(England) Regulations 2012 (S.I. 2012/323), reg. 1, **Sch. 4 para. 1**
- C244** S. 49(4)–(5) applied (with modifications) (E.) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C245** S. 49(4)–(5) applied (with modifications) (E.) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), regs. 1, 8, 12, 13, Sch. 4 Pt. 1 (as amended (10.6.2014) by S.I. 2014/333, regs. 1(4), 9(2) (as commenced by S.I. 2014/414, art. 5(m)))
- C246** S. 49(5) applied in part (with modifications) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), **reg. 17, Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3** and as amended (10.6.2014) by S.I. 2014/333, regs. 1(4), 33(1) (as commenced by S.I. 2014/414, art. 5(m)))

## **50 Effect of misdescription.**

No misnomer or inaccurate description of any person or place named—

- (a) in the register of parliamentary electors, or
- (b) in the register of local government electors, or

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- (c) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Part of this Act, and the parliamentary elections rules,
- affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

#### **Modifications etc. (not altering text)**

- C247** S. 50 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**
- C248** S. 50 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
S. 50 applied (with modifications) (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**  
S. 50 applied (with modifications) (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 50 applied (with modifications) (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**  
S. 50 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
S. 50 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 50 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5), Sch. 4 Pt. I**  
S. 50 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4), Sch. 4 Pt. I**  
S. 50 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C249** S. 50 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**
- C250** S. 50 modified (N.I.) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), s. 13(5)(6)  
S. 50 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C251** S. 50 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), **reg. 14(3)(4), Sch. 4**
- C252** S. 50 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)
- C253** S. 50 applied (with modifications) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), **Sch. 2** Table 1
- C254** S. 50 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1, Sch. 1 para. 8** (with Sch. 1 para. 1(3))
- C255** S. 50(b)(c) applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1

**F360** 51 .....

#### **Textual Amendments**

- F360** S. 51 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 11, Sch. 5**

## **52 Discharge of registration duties.**

- (1) A registration officer shall comply with any general or special directions which may be given by the Secretary of State with respect to the arrangements to be made by the registration officer for carrying out his <sup>F361</sup>functions under this Act].



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- [<sup>F362</sup>(1A) Without prejudice to the generality of subsection (1) above, the directions which may be given under subsection (1) include directions requiring a registration officer to maintain his registers in a specified electronic form; and any such directions may in particular specify—
- (a) the software which is to be used in connection with the maintenance of the registers in that form;
  - (b) the standards in accordance with which that software is to be maintained and updated;
  - (c) how information required (by or under any enactment) to be included in the registers is to be recorded and stored in that form.]
- (2) Any of the duties and powers of a registration officer may be performed and exercised by any deputy for the time being approved <sup>F363</sup> . . . , by the council which appointed the registration officer, and the provisions of this Act apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.
- (3) In England and Wales, any acts authorised or required to be done by or with respect to the registration officer may, in the event of his incapacity to act or of a vacancy, be done by the proper officer of the council by [<sup>F364</sup>or with respect to] whom the registration officer was appointed.
- [<sup>F365</sup>(4) It shall be the duty—
- (a) in England <sup>F366</sup> . . . , of a district council or London borough council,  
[ in Wales, of a county or county borough council, and]
  - <sup>F367</sup>(aa) (b) in Scotland, of [<sup>F368</sup>every local authority],
- to assign such officers to assist the registration officer as may be required for carrying out his functions under this Act.
- (5) Subsection (2) above does not apply in Northern Ireland but sections 14(5) and 14A(2) and (3) of the <sup>M28</sup>Electoral Law Act (Northern Ireland) 1962 (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer for Northern Ireland in his capacity as registration officer.]

#### Textual Amendments

- F361** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 12(a)**
- F362** S. 52(1A) inserted (16.2.2001) by [2000 c. 41, s. 158\(1\)](#), **Sch. 21 para. 6(5)** (with s. 156(6)); S.I. 2001/222, art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- F363** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 24, 28, **Sch. 4 para. 12(b)**, Sch. 5
- F364** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 12(c)**
- F365** S. 52(4)(5) substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 12(d)**
- F366** Words in s. 52(4)(a) repealed (1.4.1996) by [1994 c. 19, s. 66\(6\)\(8\)](#), Sch. 16 para. 68(12), **Sch. 18** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F367** S. 52(4)(aa) substituted (1.4.1996) for word by [1994 c. 19, s. 66\(6\)](#), **Sch. 16 para. 68(12)** (with ss. 54(4)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**
- F368** Words in s. 52(4)(b) substituted (S.) (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 130(5)**; S.I. 1996/323, art. 4(1)(c)

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#### **Modifications etc. (not altering text)**

- C256** S. 52 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C257** S. 52 applied with modifications (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**
- C258** S. 52 applied with modifications (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- S. 52 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- C259** S. 52 applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 8(2)(3)**
- S. 52 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5), Sch. 4 Pt. I**
- S. 52 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4), Sch. 4 Pt. I**
- S. 52 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4), Sch.**)
- C260** S. 52 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), **reg. 14(3)(4), Sch. 4**
- C261** S. 52 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), **ss. 6, 13(1), sch. 1 Pts. 1, 2** (with s. 13(2))
- C262** S. 52 applied (with modifications) (27.3.2007) by The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 (S.I. 2007/1024), **Sch. 2** Table 1
- C263** S. 52 applied (with modifications) (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1, Sch. 1 para. 9** (with Sch. 1 para. 1(3))
- C264** S. 52(1) applied with modifications (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5, Sch. 1 Pt. I**
- C265** S. 52(1) applied with modifications (N.I.) by S.I. 1986/1091, **regs. 2, 14(3)(4)(5), Sch. 3 Pt. I**
- S. 52(1) amended (16.2.2001) by 2000 c. 41, **s. 8(1)** (with s. 156(6)); S.I. 2001/222, **art. 2, Sch. 1 Pt. I** (subject to transitional provisions in Sch. 1 Pt. II)
- C266** S. 52(1)-(4) applied (E.W.) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), **regs. 1, 13(3)(l)**
- C267** S. 52(1)-(4) applied (with modifications) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), **reg. 17, Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, **regs. 1, 7, Sch. 3**)
- C268** S. 52 extended in part (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1, Sch. 1 para. 3** (with Sch. 1 para. 1(3))
- C269** S. 52(5) applied with modifications (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5, Sch. 1 Pt. I**
- C270** S. 52(5) applied with modifications (N.I.) by S.I. 1986/1091, **regs. 2, 14(3)(4)(5), Sch. 3 Pt. I**
- C271** S. 52(5) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(5)-(8), Sch. 1**
- S. 52(5) applied (with modifications) (1.8.2001) by S.I. 2001/2599, **art. 3, Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**)

#### **Marginal Citations**

- M28** 1962 c.14 (N.I.)

### **53 Power to make regulations as to registration etc.**

- (1) Provision may be made by regulations—
- (a) with respect to the form of the register of electors and of <sup>F369</sup> . . . any special lists or records required by this Act in connection with the register or with any election;
- [<sup>F370</sup>(b) with respect to—
- (i) the procedure to be followed in the preparation of the register and the place and manner of its publication, and

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- (ii) the procedure to be followed in the preparation of any such special lists or records, and the time, place and manner of their publication; and]
  - (c) generally with respect to any matters incidental to the provisions of this Act so far as those provisions relate to the registration of electors or to voting by post or proxy.
- <sup>F371</sup>(2) .....
- (3) Without prejudice to the generality of [<sup>F372</sup>subsection (1)] above, regulations made with respect to the matters mentioned in [<sup>F372</sup>that subsection] may contain any such provisions as are mentioned in Schedule 2 to this Act.
- [<sup>F373</sup>(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.]
- [<sup>F374</sup>(5) Before making regulations containing provision under paragraph 1A of Schedule 2, or paragraph 13(1ZB) of that Schedule so far as relating to that paragraph, the Secretary of State must consult—
- (a) the Electoral Commission,
  - (b) the Information Commissioner, and
  - (c) any other person the Secretary of State thinks appropriate.
- (6) The Secretary of State may require the Electoral Commission to—
- (a) prepare a report on specified matters relating to the operation of any provision made under paragraph 1A of Schedule 2, and
  - (b) give the Secretary of State a copy of the report by no later than a specified date.
- (7) The Secretary of State must publish a copy of the report.
- (8) A registration officer <sup>F375</sup>... must comply with any request made by the Electoral Commission for information that it reasonably requires in connection with the preparation of a report under subsection (6).]
- [<sup>F376</sup>(9) The power to make regulations under this section, so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister.
- (10) The power of the Scottish Ministers to make regulations by virtue of subsection (9) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—
- (a) the power is not exercisable without the agreement of a Minister of the Crown, and
  - (b) regulations made in exercise of the power are subject to the negative procedure.
- (11) In subsection (9)—
- “election in Scotland” means—

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- (a) an election for membership of the Scottish Parliament, or
  - (b) a local government election in Scotland;
- “UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.]

#### Textual Amendments

- F369** Words in s. 53(1)(a) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), Sch. 1 para. 13(a), 15(1), Sch. 7 Pt. I; S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F370** S. 53(1)(b) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), Sch. 1 para. 13(b); S.I. 2001/116, art. 2(1)(2) (with art. 2(4))
- F371** S. 53(2) repealed by Representation of the People Act 1985 (c. 50), s. 28, Sch. 5
- F372** Words substituted by Representation of the People Act 1985 (c. 50), s. 24, Sch. 4 para. 13(b)
- F373** S. 53(4) inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, Sch. 1 para. 109; S.I. 2006/3412, art. 3, Sch. 1 para. 14(aa)(bb)(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, arts. 2, 3
- F374** S. 53(5)-(8) inserted (5.2.2013) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), Sch. 2 para. 5 (with Sch. 5); S.I. 2013/219, art. 2(c)(d)
- F375** Words in s. 53(8) omitted (13.3.2014) by virtue of Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), ss. 20(1), 28(1)(e)
- F376** S. 53(9)-(11) inserted (18.5.2017) by Scotland Act 2016 (c. 11), ss. 6(4), 72(4)(a); S.I. 2017/608, reg. 2(1)(d)

#### Modifications etc. (not altering text)

- C272** S. 53 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), ss. 2, 13(6), Sch. 1 Pt. I (as amended (16.2.2001) by 2000 c. 2, s. 8, Sch. 3 para. 3(6); S.I. 2001/116, art. 2(1) (with art. 2(3)-(5)))
- C273** S. 53(1)(3) function exercisable by the Scottish Ministers concurrently with a Minister of the Crown (20.3.2015) by The Scotland Act 1998 (Modification of Schedules 4 and 5 and Transfer of Functions to the Scottish Ministers etc.) Order 2015 (S.I. 2015/692), arts. 2, 5(3)(a) (with art. 6)
- C274** S. 53(1)(c) amended (N.I.) (16.2.1987) by Representation of the People Act 1985 (c. 50, SIF 42), s. 10, Sch. 1 para. 25; S.I. 1986/1080

## 54 Payment of expenses of registration.

- (1) Any expenses properly incurred by a registration officer in the performance of his [<sup>F377</sup>functions under this Act][<sup>F378</sup>or the Electoral Registration and Administration Act 2013] (in this Act referred to as “registration expenses”) shall (except in Northern Ireland) be paid by the local authority by whom the registration officer was appointed.
- (2) The registration expenses of the Chief Electoral Officer for Northern Ireland shall be paid out of moneys provided by Parliament.
- (3) Any fees [<sup>F379</sup>paid to the registration officer under this Act]—
  - (a) shall be accounted for by him and paid to the local authority by whom he was appointed;
  - (b) in the case of the Chief Electoral Officer for Northern Ireland, shall be accounted for by him to the Secretary of State and paid into the Consolidated Fund.
- (4) On the request of a registration officer for an advance on account of registration expenses—

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- (a) the local authority by whom the registration officer was appointed may, if they think fit, make such an advance to him of such an amount and subject to such conditions as they may approve; or
  - (b) in the case of the Chief Electoral Officer for Northern Ireland, the Secretary of State may, if he thinks fit, make such an advance to him of such an amount and subject to such conditions as the Secretary of State may approve.
- (5) Any registration expenses or contributions to them paid by the Common Council shall be paid out of the general rate and any sums paid to the Common Council under this section shall be placed to the credit of that rate.

### Textual Amendments

- F377** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 14(a)**
- F378** Words in s. 54(1) inserted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), **Sch. 4 para. 17** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(l)
- F379** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 14(b)**

### Modifications etc. (not altering text)

- C275** S. 54 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C276** S. 54 applied with modifications (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**
- C277** S. 54 applied with modifications (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**
- C278** S. 54 applied with modifications (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 54 applied (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- C279** S. 54 applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 8(2)(3)**  
S. 54: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, **reg. 2(1), Sch. 1 D11**  
S. 54 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5), Sch. 4 Pt. I**  
S. 54 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4), Sch. 4 Pt. I**  
S. 54 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4), Sch.**)
- C280** S. 54 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008 \(S.I. 2008/1741\)](#), **reg. 14(3)(4), Sch. 4**
- C281** S. 54 applied (with modifications) (1.8.2001) by S.I. 2001/2599, **art. 3, Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**)
- C282** S. 54 applied (with modifications) (27.3.2007) by [The Local Authorities \(Mayoral Elections\) \(England and Wales\) Regulations 2007 \(S.I. 2007/1024\)](#), **Sch. 2 Table 1**
- C283** S. 54 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), **reg. 1, Sch. 1 para. 10** (with Sch. 1 para. 1(3))
- C284** S. 54(1) amended (E.W.) by S.I. 1986/1081, **regs. 2, 30(2)** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)
- C285** S. 54(1) amended (N.I.) by S.I. 1986/1091, **regs. 2, 30(2)**
- C286** S. 54(1) amended (S.) by S.I. 1986/1111, **regs. 2, 29(2)**
- C287** S. 54(1) applied (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **regs. 1, 13(3)(l)**
- C288** S. 54(1) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **reg. 17, Sch. 8 Table 1** (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, **regs. 1, 7, Sch. 3**)
- C289** S. 54(2) applied with modifications (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5, Sch. 1 Pt. I**

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- C290** S. 54(2)–(3) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989](#) (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**
- C291** S. 54(3) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C292** S. 54(3) applied (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), regs. 1, **13(3)(I)**
- C293** S. 54(3) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)
- C294** S. 54(4) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, **Sch. 1 Pt. I**
- C295** S. 54(4) extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989](#) (c. 3, SIF 42), ss. 2, 13(6), **Sch. 1 Pt. I**
- C296** S. 54(4) applied (E.W.) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), regs. 1, **13(3)(I)**
- C297** S. 54(4) applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012](#) (S.I. 2012/2031), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**; and as amended (10.6.2014) by [S.I. 2014/333](#), regs. 1(5), 33(2) (as commenced by [S.I. 2014/414](#), art. 5(m)))

**F380** 55 .....

#### Textual Amendments

- F380** S. 55 repealed by [Representation of the People Act 1985](#) (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 15, **Sch. 5**

## 56 Registration appeals: England and Wales.

- (1) An appeal lies to the county court—
  - [<sup>F381</sup>(a) from any decision of a registration officer not to register a person following an application under section 10ZC,
    - (aza) from any decision of a registration officer to register a person following an application under section 10ZC in a case where an objection has been made under that section,
    - (azb) from any decision of a registration officer not to alter a register following an application under section 10ZD,
    - (azc) from any decision of a registration officer to alter a register following an application under section 10ZD in a case where an objection has been made under that section,
    - (azd) from any decision of a registration officer under section 10ZE, or any other provision of this Act, as a result of which a person's entitlement to remain registered terminates,
      - (aa) from any decision of a registration officer not to make a determination under section 10ZE(1) following an objection under section 10ZE(5)(a),]
  - [<sup>F382</sup>(ab) from a determination of the registration officer under section 9B(2) above,]
    - (b) from any decision under this Act of the registration officer disallowing a person's application to [<sup>F383</sup>vote by proxy or by post as elector] or to vote by post as proxy, in any case where the application is not made for a particular election only,
  - <sup>F384</sup>(c) .....



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<sup>F385</sup>(d) .....

but an appeal does not lie where the person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the registration officer on the matter which is the subject of the appeal, or has not given the prescribed notice of appeal within the prescribed time.

- (2) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this section.
- (3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given shall not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.
- (4) Notice shall be sent to the registration officer in manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal by virtue of this section, and the registration officer shall<sup>F386</sup>, in accordance with sections 13A<sup>F387</sup>, 13AB<sup>F388</sup>, 13B and 13BC] above,]make such alterations in the <sup>F389</sup>... register as may be required to give effect to the decision.
- <sup>F390</sup>(4A) Where, as a result of the decision on an appeal, an alteration in the register <sup>F391</sup>made in pursuance of subsection (4) above takes effect under section 13(5), 13A(2)<sup>F392</sup>, 13AB(3)] or]<sup>F393</sup>13B(3) or (3B) <sup>F394</sup>[<sup>F394</sup>or 13BC(3) or (6)] above on or before the date of the poll], subsection (3) above does not apply to that appeal as respects that election.]
- (5) The registration officer shall undertake such duties in connection with appeals brought by virtue of this section as may be prescribed and shall on any such appeal be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this subsection.

<sup>F395</sup>(6) .....

#### Textual Amendments

- F381** S. 56(1)(a)(aa)(aza)-(azd) substituted for s. 56(1)(a)(aa) (10.6.2014 for E.W., 15.9.2014 for N.I.) by Electoral Registration and Administration Act 2013 (c. 6), s. 27(1), **Sch. 4 para. 18** (with Sch. 5); S.I. 2014/414, art. 5(m); S.I. 2014/2439, art. 2(1)
- F382** S. 56(1)(ab) inserted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), ss. 10, 77, **Sch. 1 para. 8**; S.I. 2006/3412, **art. 3**, Sch. 1 paras. 1, 12(a) (subject to transitional provisions in art. 6, Sch. 2) (amendment extended to N.I. (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **2(2)**)
- F383** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 11, **Sch. 2 para. 1**
- F384** S. 56(1)(c) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 16(a)**, Sch. 5
- F385** S. 56(1)(d) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 14(2)(b), **Sch. 7 Pt. 1**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F386** Words in s. 56(4) inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 14(3)(a)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F387** Words in s. 56(4) inserted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), ss. **16(5)(a)**, 27(1); S.I. 2014/414, art. 3(b) (with art. 4)
- F388** Words in s. 56(4) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 8(2)**; S.I. 2016/290, reg. 2

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- F389** Words in s. 56(4) repealed (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, ss. 8(a), 15(2), Sch. 1 para. 14(3)(b), **Sch. 7 Pt. 1**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F390** S. 56(4A) inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 16(b)**
- F391** Words in s. 56(4A) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 14(4)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F392** Words in s. 56(4A) inserted (6.4.2014) by Electoral Registration and Administration Act 2013 (c. 6), **ss. 16(5)(b)**, 27(1); S.I. 2014/414, **art. 3(b)** (with art. 4)
- F393** Words in s. 56(4A) substituted (E.W.S.) (1.1.2007) by Electoral Administration Act 2006 (c. 22), **ss. 11(5)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 2 (subject to transitional provisions in art. 6, Sch. 2)
- F394** Words in s. 56(4A) inserted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 8(3)**; S.I. 2016/290, **reg. 2**
- F395** S. 56(6) repealed by Representation of the People Act 1985 (c. 50, SIF 42), s. 28, **Sch. 5**

#### **Modifications etc. (not altering text)**

- C298** S. 56 applied (with modifications) (E.W.S.) by S.I. 1986/2209, **regs. 2, 3, 5(1)(6)-(8)**, **Sch. 1 Pt. I**  
S. 56 applied (with modifications) (N.I.) by S.I. 1986/2250, **regs. 2, 3, 5**, **Sch. 1 Pt. I**  
S. 56 applied (with modifications) (E.W.) by S.I. 1986/1081, **regs. 2, 14(3)(4)(5)**, **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 56 applied (with modifications) (N.I.) by S.I. 1986/1091, **regs. 2, 14(3)(4)(5)**, **Sch. 3 Pt. I**  
S. 56 applied (with modifications) (S.) by S.I. 1986/1111, **regs. 2, 13(3)(4)(5)**, **Sch. 3 Pt. I**  
S. 56 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, **reg. 13(4)(5)**, **Sch. 4 Pt. I**  
S. 56 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4)**, **Sch. 4 Pt. I**  
S. 56 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9**, Sch. Pt. 1 (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1)**, 2(3)(4), **Sch.**)  
S. 56 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), **art. 6(2)**, **Sch. 2 Pt. 2**
- C299** Ss. 56-58 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3)**, 2(2), 9(4)
- C300** S. 56 restricted (31.7.1997) by 1997 c. 61, **s. 2(3)**
- C301** S. 56 modified (11.3.1999) by S.I. 1999/450, **arts. 4(1)**, 5(3)(5) (which S.I. was revoked (29.2.2003) by S.I. 2003/284, **art. 1**)
- C302** S. 56 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), **ss. 6, 13(1)**, sch. 1 Pts. 1, 2 (with s. 13(2))
- C303** S. 56(1) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **ss. 2, 13(6)**, **Sch. 1 Pt. I**
- C304** S. 56(3)-(5) extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **ss. 2, 13(6)**, **Sch. 1 Pt. I**
- C305** S. 56(4A) modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1**, **Sch. 1 para. 11(2)** (with Sch. 1 para. 1(3))

## **57 Registration appeals: Scotland.**

- (1) Section 56 above applies to Scotland subject to the following modifications—
- subsection (2) shall be omitted;
  - an appeal lies on any point of law from any decision of the sheriff under this section to the court of three judges constituted under subsection (2) below; and
  - for any reference to the Court of Appeal there shall be substituted a reference to that court of three judges.
- (2) The court for hearing appeals under paragraph (b) of subsection (1) above shall consist of three judges of the Court of Session who shall be appointed by the Court of Session by act of sederunt and of whom one judge shall be appointed from each division of the

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Inner House and one from the Lords Ordinary in the Outer House; and the Principal Clerk of Session shall be the clerk of the court.

- (3) The Court of Session may by act of sederunt fill any vacancy in the court of three judges, and regulate its sittings and forms of process so as to carry out the provisions of this Act; and acts of sederunt under this section may be made, and the court of three judges may sit, either during the sitting of the Court of Session or in vacation or recess.

**Modifications etc. (not altering text)**

- C306** S. 57 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C307** Ss. 56–58 applied (with modifications) (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 9(4)**
- C308** S. 57 restricted (31.7.1997) by 1997 c. 61, s. **1(3)**  
S. 57 restricted (11.3.1999) by S.I. 1999/787, **art. 3(1)**  
S. 57 applied (11.3.1999) by S.I. 1999/787, **art. 4(3)** (with art. 4(5))  
S. 57 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9, Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4), Sch.**)
- C309** S. 57 applied (with modifications) (S.) (8.8.2013) by **Scottish Independence Referendum (Franchise) Act 2013 (asp 13)**, ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C310** S. 57(2) applied (11.3.1999) by S.I. 1999/787, **art. 4(2)**

**[<sup>F396</sup>58 Registration appeals: Northern Ireland.**

- (1) An appeal lies to the county court—
- (a) from any decision under this Act of the Chief Electoral Officer for Northern Ireland on any application for registration or objection to a person's registration made to and considered by him;
  - (b) from any decision under this Act of the Chief Electoral 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 has otherwise ceased to satisfy the conditions for registration set out in section 4;
  - [<sup>F397</sup>(ba)** from a determination of the Chief Electoral Officer under section 9B(2) or section 9C(1B);]
  - (c) from any decision under this Act of the Chief Electoral Officer disallowing a person's application to vote by proxy or by post as elector or to vote by post as proxy, in any case where the application is not made for a particular election only.
- (2) But an appeal does not lie where the person desiring to appeal—
- (a) has not availed himself of a prescribed right to be heard by or make representations to the Chief Electoral Officer on the matter which is the subject of the appeal, or
  - (b) has not given the prescribed notice of appeal within the prescribed time.
- (3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given does not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision—
- (a) is as good as if no such appeal had been brought, and
  - (b) is not affected by the decision of the appeal.

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- (4) The Chief Electoral Officer must, in accordance with sections 13A<sup>[F398]</sup>, 13BA and 13BC], make such alterations in the register as may be required to give effect to the decision.
- (5) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2)<sup>[F399]</sup>, 13BA(6) or (9) or 13BC(3) or (6)] on or before the date of the poll, subsection (3) does not apply to that appeal as respects that election.
- (6) The Chief Electoral Officer—
- (a) must undertake such duties in connection with appeals brought by virtue of this section as may be prescribed, and
  - (b) on any appeal is deemed to be a party to the proceedings;
- and the registration expenses payable to him include any expenses properly incurred by virtue of this subsection.
- (7) Section 21(1) of the Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc.) applies as if the jurisdiction conferred by subsection (1) were conferred by any enactment within the meaning of that Act.]

#### Textual Amendments

- F396** S. 58 substituted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31, **Sch. 4 para. 5**; S.I. 2008/1318, **art. 2**
- F397** S. 58(1)(ba) inserted (15.9.2014) by The Anonymous Registration (Northern Ireland) Order 2014 (S.I. 2014/1116), arts. 1(1), **3(4)**
- F398** Words in s. 58(4) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 9(2)**; S.I. 2016/290, **reg. 2**
- F399** Words in s. 58(5) substituted (4.3.2016) by Recall of MPs Act 2015 (c. 25), s. 24(3), **Sch. 2 para. 9(3)**; S.I. 2016/290, **reg. 2**

#### Modifications etc. (not altering text)

- C311** S. 58 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, **reg. 13(3)(4)**, **Sch. 4 Pt. I**  
S. 58 applied (with modifications) (9.4.2001) by S.I. 2001/1184, **reg. 9**, **Sch. Pt. I** (as substituted (17.3.2009) by S.I. 2009/726, **regs. 1(1), 2(3)(4)**, **Sch.**)
- C312** S. 58 applied (with modifications) (N.I.) (1.7.2008) by The Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741), **reg. 14(3)(4)**, **Sch. 4**
- C313** S. 58(5) modified (26.2.2016) by The European Union Referendum (Conduct) Regulations 2016 (S.I. 2016/219), **reg. 1**, **Sch. 1 para. 12(2)** (with **Sch. 1 para. 1(3)**)

## 59 Supplemental provisions as to members of forces and service voters.

- (1) In this Part of this Act, the expression “member of the forces”—
- (a) means a person serving on full pay as a member of any of the naval, military or air forces of the Crown raised in the United Kingdom; but
  - (b) does not include
    - <sup>[F400]</sup>(i) a person serving only as a member of a reserve or auxilliary force except in so far as regulations provide that it shall include persons so serving during a period of emergency.<sup>[F401]</sup>or

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- (ii) a member of the regular army whose terms of service are such that, except for the purpose of training, he is required to serve only in Northern Ireland]
- (2) Where a person—
- (a) is not a member of the forces as defined by subsection (1) above, but
  - (b) is, in the performance of his duty as a member of any of Her Majesty’s reserve or auxiliary forces, absent on the [F402relevant date for the purposes of section 4 above] from an address at which he has been residing,
- any question arising under section [F4035(3)] above whether his residence at that address has been interrupted on that date by his absence in the performance of that duty shall be determined as if the performance of it did not prevent his resuming actual residence at any time after that date.
- [F404(3) Arrangements must be made by the appropriate government department for securing that every person having a service qualification by virtue of paragraph (a) or (b) of section 14(1) above has (so far as circumstances permit) an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Act in relation to—
- (a) registration in a register of electors (and in particular in relation to the making and cancellation of service declarations);
  - (b) the making and cancellation of appointments of a proxy;
  - (c) voting in person, by post or by proxy.
- (3A) Arrangements must be made by the appropriate government department for securing that every such person receives such instructions as to the effect of this Act and any regulations made under it, and such other assistance, as may be reasonably sufficient in connection with the exercise by that person and any spouse or civil partner of that person of any rights conferred on them as mentioned above.
- (3B) In subsections (3) and (3A) “the appropriate government department” means, in relation to members of the forces, the Ministry of Defence, and in relation to any other person means the government department under which he is employed in the employment giving the service qualification.
- (3C) The Ministry of Defence must maintain, in relation to each member of the forces who provides information relating to his registration as an elector, a record of such information.
- (3D) The Ministry of Defence must make arrangements to enable each member of the forces to update annually the information recorded under subsection (3C).]
- (4) In relation to persons having a service qualification by virtue of paragraph (c) of section 14(1), the British Council shall be under a corresponding obligation to that imposed by [F405subsections (3) and (3A)] above on the appropriate government department.

#### Textual Amendments

**F400** Word in s. 59(1)(b) inserted (20.7.1993) by 1993 c. 29, s. 1(a).

**F401** Word and s. 59(1)(b)(ii) added (20.7.1993) by 1993 c. 29, s. 1(b).

**F402** Words in s. 59(2)(b) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 16(a)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))



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- F403** Word in s. 59 substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), **Sch. 1 para. 16(b)**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F404** S. 59(3)-(3D) substituted (30.11.2007) for s. 59(3) by Electoral Administration Act 2006 (c. 22), **ss. 13(2), 77**; S.I. 2007/3376, **art. 2**
- F405** Words in s. 59(4) substituted (30.11.2007) by Electoral Administration Act 2006 (c. 22), **ss. 13(3), 77**; S.I. 2007/3376, **art. 2**

#### **Modifications etc. (not altering text)**

- C314** S. 59 extended (N.I.) (with modifications) by Elected Authorities (Northern Ireland) Act 1989 (c. 3, SIF 42), **ss. 2, 13(6), Sch. 1 Pt. 1**  
S. 59 extended (with modifications) (11.3.1999) by S.I. 1999/787, **art. 12(1)** (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))
- C315** S. 59 modified (11.3.1999) by S.I. 1999/450, **art. 13(1)** (which S.I. was revoked (29.2.2003) by S.I. 2003/284, **art. 1**)
- C316** S. 59 applied (with modifications) (21.11.2002 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2002 (S.I. 2002/2779), **arts. 1, 13(1)** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**)  
S. 59 applied (with modifications) (15.3.2007 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2007 (S.I. 2007/937), **arts. 1, 13(1)**
- C317** S. 59 modified (16.12.2010) by The National Assembly for Wales Referendum (Assembly Act Provisions) (Referendum Question, Date of Referendum Etc.) Order 2010 (S.I. 2010/2837), **art. 1(2), Sch. 1 para. 25**
- C318** S. 59 applied (with modifications) (30.12.2010 except for specified purposes) by The Scottish Parliament (Elections etc.) Order 2010 (S.I. 2010/2999), **arts. 1(1), 12(1)** (with art. 1(2)(3))
- C319** S. 59 applied (with modifications) (S.) (8.8.2013) by Scottish Independence Referendum (Franchise) Act 2013 (asp 13), **ss. 6, 13(1), sch. 1 Pts. 1, 2** (with s. 13(2))
- C320** S. 59 applied (with modifications) (S.) (16.12.2015) by The Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425), **arts. 1(1), 12(1)** (with art. 1(2))
- C321** S. 59(2) applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 7(4)**
- C322** S. 59(3)(b)(c) modified (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), **art. 15(1)(a)**
- C323** S. 59(3A) modified (1.2.2007) by The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236), **art. 15(1)(b)**

### *Offences*

#### **60 Personation.**

- (1) A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.
- (2) A person shall be deemed to be guilty of personation at a parliamentary or local government election if he—
  - (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person; or
  - (b) votes in person or by post as proxy—
    - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or



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- (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.
- (3) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

#### **Modifications etc. (not altering text)**

- C324** S. 60 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C325** S. 60 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. I**
- C326** S. 60 applied with modifications (E.W.) by S.I. 1987/1, **Rules 2, 6** and S.I. 1986/2215, **Rules 2, 9** (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule 1(4), **Sch. 1**)
- C327** S. 60 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 60 applied (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C328** S. 60 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 60 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)  
S. 60 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 60 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 10**, **Sch. 4** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 60 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**  
S. 60 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C329** S. 60 modified (E.W.) (2.1.2007 for specified purposes) by [The Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006 \(S.I. 2006/3305\)](#), **rule 6**
- C330** S. 60 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C331** S. 60 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C332** S. 60 applied (with modifications) by [The Health Board Elections \(Scotland\) Regulations 2009 \(S.S.I. 2009/352\)](#), **reg. 5A(2)** (as inserted (15.2.2010) by S.S.I. 2010/58, regs. 1, **2(2)**)
- C333** S. 60 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1**, **Sch. 4 para. 1**
- C334** S. 60 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), **reg. 1**, **Sch. 4 para. 1** (with reg. 27)
- C335** S. 60 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **regs. 1, 8, 12, 13**, **Sch. 4 Pt. 1**
- C336** S. 60 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **reg. 17**, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, **regs. 1, 7**, **Sch. 3**)
- C337** S. 60 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), **reg. 1**, **Sch. 1 para. 13** (with Sch. 1 para. 1(3))

## **61 Other voting offences.**

- (1) A person shall be guilty of an offence if—

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- (a) he votes in person or by post, whether as an elector or as proxy, or applies to [<sup>F406</sup>vote by proxy or by post as elector, at a parliamentary or local government election, or at parliamentary or local government elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (b) he applies for the appointment of a proxy to vote for him at [<sup>F407</sup>any parliamentary or local government election or at parliamentary or local government elections knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or]
- (c) he votes, whether in person or by post, <sup>F408</sup> . . . , as proxy for some other person at a parliamentary or local government election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this subsection references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

(2) A person shall be guilty of an offence if—

- (a) he votes as elector otherwise than by proxy either—
  - (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or
  - (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
  - (iii) in any constituency at a general election, or in any electoral area at such an ordinary election as mentioned above, when there is in force an appointment of a person to vote as his proxy at the election in some other constituency or electoral area; or
- (b) he votes as elector in person at a parliamentary or local government election at which he is entitled to vote by post; or
- (c) he votes as elector in person at a parliamentary or local government election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election; or
- (d) <sup>F409</sup> . . . , he applies for a person to be appointed as his proxy to vote for him at parliamentary elections [<sup>F410</sup>in any constituency] without applying for the cancellation of a previous appointment of a third person then in force [<sup>F410</sup>in respect of that or another constituency] or without withdrawing a pending application for such an appointment [<sup>F410</sup>in respect of that or another constituency].

[<sup>F411</sup>(2A) In the case of Authority elections, paragraph (a) of subsection (2) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as an elector otherwise than by proxy—

- (a) more than once at the same election of the Mayor of London;
- (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
- (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly;

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- (d) in more than one Assembly constituency at the same ordinary election; or
  - (e) in any Assembly constituency at an ordinary election, or an election of the Mayor of London held under section 16 of the 1999 Act, when there is in force an appointment of a person to vote as his proxy at the election in some other Assembly constituency.]
- (3) A person shall be guilty of an offence if—
- (a) he votes as proxy for the same elector either—
    - (i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election; or
    - (ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or
  - (b) he votes in person as proxy for an elector at a parliamentary or local government election at which he is entitled to vote by post as proxy for that elector; or
  - <sup>F412</sup>(c) .....
  - (d) he votes in person as proxy for an elector at a parliamentary or local government election knowing that the elector has already voted in person at the election.
- <sup>F413</sup>(3A) In the case of Authority elections, paragraph (a) of subsection (3) above shall not have effect; but a person shall be guilty of an offence under this subsection if he votes as proxy for the same elector—
- (a) more than once at the same election of the Mayor of London;
  - (b) more than once at the same election of the London members of the London Assembly at an ordinary election;
  - (c) more than once in the same Assembly constituency at the same election of a constituency member of the London Assembly; or
  - (d) in more than one Assembly constituency at the same ordinary election.]
- (4) A person shall also be guilty of an offence if he votes at a parliamentary election in any constituency [<sup>F414</sup>or at a local government election in any electoral area] as proxy for more than two persons of whom he is not the [<sup>F415</sup>spouse, civil partner,] parent, grandparent, brother, sister, child or grandchild.
- (5) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge, would be, an offence by that other person under the foregoing subsections of this section.
- (6) For the purposes of this section a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under subsection (4) above, a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.
- <sup>F416</sup>(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.]

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- [<sup>F417</sup>(6A) Where a person is alleged to have committed an offence under subsection (2)(a)(i) or (3)(a)(i) above by voting on a second or subsequent occasion at a parliamentary election, he shall not be deemed by virtue of subsection (6) above to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under rule 40(1C) of the parliamentary elections rules.]
- [<sup>F418</sup>(6B) Sub-paragraph (2) above does not prevent a person, at the polling station allotted to him at a local government election in Scotland, marking a tendered ballot paper in pursuance of any provision—
- (a) made under section 3(1) of the Local Governance (Scotland) Act 2004 (asp 9) as to the conduct of elections of councillors, and
  - (b) which entitles him to do so despite the fact that he is or may be entitled to an absent vote at the election.]
- (7) An offence under this section shall be an illegal practice, but—
- (a) the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and
  - (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this section of any agent of his other than an offence under subsection (5) above.

#### Textual Amendments

- F406** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 2(a)**
- F407** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 2(b)**
- F408** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 11, 28, **Sch. 2 para. 2(c)**, Sch. 5
- F409** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 2(d)**, Sch. 5
- F410** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 2(d)**
- F411** S. 61(2A) inserted (14.12.1999) by [1999 c. 29, s. 17](#), **Sch. 3 para. 10(1)(2)** (with Sch. 12 para. 9(1)); [S.I. 1999/3376, art. 2](#)
- F412** S. 61(3)(c) repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), ss. 11, 28, **Sch. 2 para. 2(e)**, Sch. 5
- F413** S. 61(3A) inserted (14.12.1999) by [1999 c. 29, s. 17](#), **Sch. 3 para. 10(1)(3)** (with Sch. 12 para. 9(1)); [S.I. 1999/3376, art. 2](#)
- F414** Words inserted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 11, **Sch. 2 para. 2(f)**
- F415** Words in s. 61(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1), 263, **Sch. 27 para. 83**; [S.I. 2005/3175, art. 2](#), Sch. 1
- F416** S. 61(6A) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 38(3)**, 77; [S.I. 2006/3412, art. 3](#), Sch. 1 para. 14(s) (subject to transitional provisions in [art. 6](#), Sch. 2); [S.I. 2008/1316, arts 2, 4](#)
- F417** S. 61(6A) inserted (N.I.) by [Elections \(Northern Ireland\) Act 1985 \(c. 2, SIF 42\)](#), **s. 2(5)**
- F418** S. 61(6B) inserted (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 27(1)**, 63(2); [S.S.I. 2007/26, art. 3\(1\)\(e\)](#) (with [art. 3\(2\)](#))

#### Modifications etc. (not altering text)

- C338** S. 61 applied (E.W.S.) by [S.I. 1986/2209, regs. 2, 3](#), 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 61 applied (N.I.) by [S.I. 1986/2250, regs. 2, 3, 5](#), **Sch. 1 Pt. I**
- C339** S. 61 applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220, art. 3\(1\)\(5\)-\(8\)](#), **Sch. 1**

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- S. 61 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1
- S. 61 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- S. 61 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25) (as amended (5.12.2005) by S.I. 2005/2114, art. 2(12), **Sch. 12 para. 9(2)(a)**)
- S. 61 applied (with modifications) (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004** (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (as amended (W.) (5.12.2005) by S.I. 2005/3302, art. 2, **Sch. para. 27(a)**) (which applying S.I. was revoked (24.7.2008) by S.I. 2008/1848)
- S. 61 applied (with modifications) (W.) (24.3.2004) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004** (S.I. 2004/870), reg. 10, **Sch. 4** (which S.I. was revoked by S.I. 2008/1848)
- S. 61 applied (with modifications) (23.7.2004) by **The Regional Assembly and Local Government Referendums Order 2004** (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**
- S. 61 applied (with modifications) (E.) (28.7.2007) by **The Local Authorities (Conduct of Referendums) (England) Regulations 2007** (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C340** S. 61 applied (with modifications) (27.3.2007) by **The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007** (S.I. 2007/1024), **Sch. 2** Table 1
- C341** S. 61 applied (with modifications) (W.) (24.7.2008) by **The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008** (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C342** S. 61 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, **Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1** and amended (31.10.2023) by **Elections Act 2022** (c. 37), s. 67(1), **Sch. 6 para. 36**; S.I. 2023/1145, **reg. 2(g)(viii)**)
- C343** S. 61 applied (with modifications) by **The Health Board Elections (Scotland) Regulations 2009** (S.S.I. 2009/352), **reg. 5A(3)** (as inserted (15.2.2010) by S.S.I. 2010/58, **regs. 1, 2(2)**)
- C344** S. 61 applied (with modifications) (E.) (9.2.2012) by **The Local Authorities (Conduct of Referendums) (England) Regulations 2012** (S.I. 2012/323), reg. 1, **Sch. 4 para. 1**
- C345** S. 61 applied (with modifications) (E.) (18.2.2012) by **The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012** (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C346** S. 61 applied (with modifications) (3.8.2012) by **The Neighbourhood Planning (Referendums) Regulations 2012** (S.I. 2012/2031), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C347** S. 61 applied (with modifications) (26.2.2016) by **The European Union Referendum (Conduct) Regulations 2016** (S.I. 2016/219), reg. 1, **Sch. 1 para. 14** (with Sch. 1 para. 1(3))
- C348** S. 61(1)(3)-(7) applied (with modifications) by **The Neighbourhood Planning (Referendums) Regulations 2012** (S.I. 2012/2031), reg. 17, **Sch. 8** Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)

## 62 Offences as to declarations.

[<sup>F419</sup>(1) A person who—

- (a) makes a declaration of local connection or a service declaration—
  - (i) when he is not authorised to do so by section 7B(1) or section 15(1) above, or
  - (ii) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or
  - (iii) when he knows that it contains a statement which is false, or
- (b) attests a service declaration when he knows—
  - (i) that he is not authorised to do so, or
  - (ii) that it contains a false statement as to any particulars required by regulations under section 16 above,

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shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

- [<sup>F420</sup>(1A) A person who makes a declaration under [<sup>F421</sup>section 9B(1A)(a)] above—
- (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.]
- (2) Where the declaration is available only for local government elections [<sup>F422</sup>the references in subsections (1) and (1A) above to a legal incapacity to vote refer] to a legal incapacity to vote at local government elections.

#### Textual Amendments

- F419** S. 62(1) substituted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 8(a), [Sch. 1 para. 17](#); S.I. 2001/116, [art. 2\(1\)\(2\)](#) (with [art. 2\(4\)](#))
- F420** S. 62(1A) inserted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10, 77, [Sch. 1 para. 9\(2\)](#); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 1, 12\(a\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)) (amendment extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\), 2\(2\)](#))
- F421** Words in s. 62(1A) substituted (10.6.2014 for E.W., 15.9.2014 for N.I., 19.9.2014 for S.) by [Electoral Registration and Administration Act 2013 \(c. 6\)](#), s. 27(1), [Sch. 4 para. 19](#) (with [Sch. 5](#)); S.I. 2014/414, [art. 5\(m\)](#); S.I. 2014/2439, [art. 2\(l\)](#)
- F422** Words in s. 62(2) substituted (E.W.S.) (1.1.2007) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 10, 77, [Sch. 1 para. 9\(3\)](#); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 1, 12\(a\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)) (amendment extended to N.I. (15.9.2014) by [The Anonymous Registration \(Northern Ireland\) Order 2014 \(S.I. 2014/1116\)](#), [arts. 1\(1\), 2\(2\)](#))

#### Modifications etc. (not altering text)

- C349** S. 62 extended (N.I.) (with modifications) by [Elected Authorities \(Northern Ireland\) Act 1989 \(c. 3, SIF 42\)](#), ss. 2, 13(6), [Sch. 1 Pt. 1](#)
- C350** S. 62 applied (with modifications) (9.4.2001) by S.I. 2001/1184, [reg. 9](#), [Sch. Pt. 1](#) (as substituted (17.3.2009) by S.I. 2009/726, [regs. 1\(1\), 2\(3\)\(4\)](#), [Sch.](#))
- C351** S. 62 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), ss. 6, 13(1), [sch. 1 Pts. 1, 2](#) (with s. 13(2))

#### [<sup>F423</sup>62A Offences relating to applications for postal and proxy votes

- (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.
- (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);



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- (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
  - (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;
  - (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 proxy postal vote or a proxy postal ballot paper (as the case may be).
- (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.
- (6) This section does not apply to anything done at a local government election in Scotland.]

#### Textual Amendments

**F423** S. 62A inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 40, 77**; S.I. 2006/1972, **art. 3, Sch. 1 para. 7** (subject to **art. 4, Sch. 2**)

#### Modifications etc. (not altering text)

- C352** S. 62A modified (E.W.) (2.1.2007 for specific purposes) by [The Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006 \(S.I. 2006/3305\)](#), rules 1(2)(3), **6**
- C353** S. 62A applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C354** S. 62A applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C355** S. 62A applied (with modifications) by S.I. 2001/2599, **art. 3, Sch. 1** (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3, Sch. 1**)
- C356** S. 62A applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), **reg. 1, Sch. 4 para. 1**
- C357** S. 62A applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), **reg. 1, Sch. 4 para. 1** (with **reg. 27**)
- C358** S. 62A applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **regs. 1, 8, 12, 13, Sch. 4 Pt. 1**
- C359** S. 62A applied in part (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), **reg. 17, Sch. 8 Table 1** (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, **regs. 1, 7, Sch. 3**)
- C360** S. 62A(1)-(5) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), **reg. 1, Sch. 1 para. 15** (with **Sch. 1 para. 1(3)**)

#### [<sup>F424</sup> **62B Scottish local government elections: offences relating to applications for postal and proxy votes**

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person commits an offence if he—
- (a) engages in any of the acts specified in subsection (3) below at the election; and

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- (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.
- (3) The acts referred to in subsection (2)(a) above are—
- (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;
  - (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;
  - (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.
- (4) In subsection (2)(b) above, property includes any description of property.
- (5) In subsection (3) above a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).
- (6) A person who commits an offence under subsection (2) above or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice.
- [ This subsection and subsection (6) extend to the whole of the United Kingdom, but<sup>F425</sup>(7) otherwise this section extends only to Scotland. ]

#### Textual Amendments

- F424** S. 62B inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 15, 63; S.S.I. 2007/26, art. 2\(1\)\(d\)](#)
- F425** S. 62B(7) inserted (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. 2\(2\)](#)

#### [<sup>F426</sup>63 Breach of official duty.

- (1) If a person to whom this section applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.
- (3) The persons to whom this section applies are—
- (a) the Clerk of the Crown (or, in Northern Ireland, the Clerk of the Crown for Northern Ireland),
  - (b) any<sup>F427</sup> ... registration officer, returning officer or presiding officer,
  - (c) any other person whose duty it is to be responsible after a [<sup>F428</sup>parliamentary or] local government election for the used ballot papers and other documents (including returns and declarations as to expenses),
  - (d) any [<sup>F429</sup>official designated by a universal postal service provider], and

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- (e) any deputy of a person mentioned in any of paragraphs (a) to (d) above or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by the law relating to parliamentary or local government elections or the registration of parliamentary or local government electors.]

[<sup>F430</sup>(4) Where—

- (a) a returning officer for an election to which section 46 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.]

#### Textual Amendments

- F426** S. 63 substituted for ss. 63, 64 by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 19**
- F427** Words in s. 63(3)(b) repealed (26.3.2010) by Political Parties and Elections Act 2009 (c. 12), ss. 25(a), 43(1), **Sch. 7**; S.I. 2010/969, art. 2(a)(c) (with art. 3)
- F428** Words in s. 63 inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 41(8), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(t) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 3**
- F429** Words in s. 63(3)(d) substituted (26.3.2001) by S.I. 2001/1149, art. 3(1), **Sch. 1 para. 57(2)**
- F430** S. 63(4)(5) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), **ss. 46(6), 77**; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(v) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**

#### Modifications etc. (not altering text)

- C361** S. 63 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 63 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**  
S. 63 applied (with modifications) (E.W.) by S.I. 1986/1081, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I** (which S.I. was revoked (23.3.2004) by S.I. 2004/294, **reg. 3**)  
S. 63 applied (with modifications) (N.I.) by S.I. 1986/1091, regs. 2, 14(3)(4)(5), **Sch. 3 Pt. I**  
S. 63 applied (with modifications) (S.) by S.I. 1986/1111, regs. 2, 13(3)(4)(5), **Sch. 3 Pt. I**  
S. 63 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**  
S. 63 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 63 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**  
S. 63 applied (with modifications) (E.W.) (16.2.2001) by S.I. 2001/341, reg. 13(4)(5), **Sch. 4 Pt. I**  
S. 63 applied (with modifications) (N.I.) (16.2.2001) by S.I. 2001/400, reg. 13(3)(4), **Sch. 4 Pt. I**  
S. 63 applied (with modifications) (9.4.2001) by S.I. 2001/1184, reg. 9, Sch. Pt. I (as substituted (17.3.2009) by S.I. 2009/726, regs. 1(1), 2(3)(4), **Sch.**)  
S. 63 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**  
S. 63 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C362** S. 63 applied (17.2.1994) by S.I. 1994/342, **regs. 1(2)(3), 2(2), 8(2)(3)**

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- C363** S. 63 applied (with modifications) (N.I.) (1.7.2008) by [The Representation of the People \(Northern Ireland\) Regulations 2008 \(S.I. 2008/1741\)](#), reg. 14(3)(4), **Sch. 4**
- C364** S. 63 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C365** S. 63 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3, Sch. 1 (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, **Sch. 1**)
- C366** S. 63 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, Sch. 4 para. 1
- C367** S. 63 applied (with modifications) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C368** S. 63 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C369** S. 63 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)
- C370** S. 63 applied (with modifications) (S.) (8.8.2013) by [Scottish Independence Referendum \(Franchise\) Act 2013 \(asp 13\)](#), ss. 6, 13(1), sch. 1 Pts. 1, 2 (with s. 13(2))
- C371** S. 63 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 1 para. 16** (with Sch. 1 para. 1(3))

<sup>F431</sup>**64** .....

#### Textual Amendments

- F431** S. 63 substituted for ss. 63, 64 by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 19**

## 65 Tampering with nomination papers, ballot papers, etc.

- (1) A person shall be guilty of an offence, if, at a parliamentary or local government election, he—
  - (a) fraudulently defaces or fraudulently destroys any nomination paper; or
  - (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any [<sup>F432</sup>postal voting statement or] declaration of identity or official envelope used in connection with voting by post; or
  - (c) without due authority supplies any ballot paper to any person; or
  - (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in; or
  - (e) fraudulently takes out of the polling station any ballot paper; or
  - (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election; or
  - (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.
- (2) In Scotland, a person shall be guilty of an offence if—
  - (a) at a parliamentary or local government election, he forges any nomination paper, delivers to the returning officer any nomination paper knowing it to be

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- forged, or forges or counterfeits any ballot paper or the official mark on any ballot paper; or
- (b) at a local government election, he signs any nomination paper as candidate or in any other capacity certifies the truth of any statement contained in it, knowing such statement to be false; or
- (c) he fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.
- [<sup>F433</sup>(3) If a returning officer, a presiding officer or a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers is guilty of an offence under this section, he shall be liable—
- (a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding 2 years, or to both;
- (b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both
- (4) If any other person is guilty of an offence under this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.]
- <sup>F433</sup>(5) .....

#### Textual Amendments

- F432** Words in s. 65(1)(b) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 47, 77, [Sch. 1 para. 72](#); S.I. 2006/3412, [art. 3](#), Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2](#), 4
- F433** S. 65(3)–(4) substituted for s. 65(3)–(5) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 23, [Sch. 3 para. 2](#)

#### Modifications etc. (not altering text)

- C372** S. 65 applied (with modifications) (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. 1](#)  
S. 65 applied (with modifications) (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, [Sch. 1 Pt. 1](#)  
S. 65 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, [Sch. 3 para. 13](#) Table 1  
S. 65 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, [art. 6](#), [Sch. 2](#)  
S. 65 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, [reg. 8\(1\)](#), [Sch. 3](#) Table 2 (subject to regs. 9–12, 15–17, 20, 25)  
S. 65 applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), [reg. 8](#), {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 65 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), [art. 6\(2\)](#), [Sch. 2 Pt. 2](#)  
S. 65 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), [regs. 8](#), 11, 13, {Sch. 4 Table 1}
- C373** S. 65 modified (S.) (17.2.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), s. 34(1)(a), 77; S.S.I. 2007/26, [art. 3\(1\)\(h\)](#)
- C374** S. 65 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), [reg. 8](#), {Sch. 4 para. 1 Table 1}
- C375** S. 65 applied (with modifications) (1.8.2001) by S.I. 2001/2599, [art. 3](#), Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, [arts. 1\(2\)](#), 3, [Sch. 1](#))
- C376** S. 65 applied (with modifications) by [The Health Board Elections \(Scotland\) Regulations 2009 \(S.S.I. 2009/352\)](#), [reg. 5A\(4\)](#) (as inserted (15.2.2010) by S.S.I. 2010/58, [regs. 1](#), 2(2))



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- C377** S. 65 applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**
- C378** S. 65 applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C379** S. 65 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C380** S. 65 applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)
- C381** S. 65 applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 1 para. 17** (with Sch. 1 para. 1(3))
- C382** S. 65(1)(a) applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(5)-(8), **Sch. 1**
- C383** S. 65(3) amended (N.I.) (*prosp.*) by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 10, **Sch. 1 para. 26**

#### [<sup>F434</sup> **65A False statements in nomination papers etc.**

(1) A person is guilty of a corrupt practice if, in the case of any relevant election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—

(a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or

[ (where the election is a parliamentary election) a statement under rule 6(5)(b) of Schedule 1 to this Act which he knows to be false in any particular; or]

(b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows—

(i) was not written by the elector by whom it purports to have been written, or

(ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate's nomination[<sup>F436</sup> or

(c) a certificate authorising for the purposes of rule 6A of the parliamentary elections rules the use by a candidate of a description if he knows that the candidate is standing at an election in another constituency in which the poll is to be held on the same day as the poll at the election to which the certificate relates.]

[ A person is guilty of a corrupt practice if, in the case of any relevant election, he makes  
<sup>F437</sup>(1A) in any document in which he gives his consent to his nomination as a candidate—

(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 is not a candidate at an election for any other constituency the poll for which is to be held on the same day as the poll at the election to which the consent relates,

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—

(a) that he is qualified for being elected,



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- (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.]

(2) In this section “relevant election” means—

- (a) any parliamentary election, or
- (b) [<sup>F438</sup>except for the purposes of subsections (1)(c) and (1A)(c),] any local government election in England or Wales.]

#### Textual Amendments

- F434** S. 65A inserted (29.1.2001 for certain purposes and 16.2.2001 otherwise) by 2000 c. 2, s. 15(1), **Sch. 6 para. 5**; S.I. 2001/116, **art. 2(1)(2)** (with art. 2(4))
- F435** S. 65A(1)(aa) inserted (4.9.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 39, 43(1), **Sch. 6 para. 4**; S.I. 2009/2395, **art. 2** (with art. 3)
- F436** S. 65A(1)(c) and word inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. **23(2)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(j) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F437** S. 65A(1A)(1B) inserted (11.9.2006 for certain purposes, 1.1.2007 for remaining purposes for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. **23(3)**, 77; S.I. 2006/1972, **art. 3**, Sch. 1 para. 3 (subject to art. 4, Sch. 2); S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(j) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F438** Words in s. 65A(2)(b) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. **23(4)**, 77; S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(j) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**

#### Modifications etc. (not altering text)

- C384** S. 65A applied (with modifications) (1.8.2001) by S.I. 2001/2599, **art. 3**, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, **arts. 1(2), 3**, **Sch. 1**)

#### [<sup>F439</sup> **65B Scottish local government elections: false information in nomination papers etc.**

- (1) This section applies in relation to a local government election in Scotland.
- (2) A person is guilty of a corrupt practice if he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
  - (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
  - (b) anything which purports to be the signature of an elector who proposes, seconds or assents to the nomination of such a candidate but which he knows—
    - (i) was not written by the elector by whom it purports to have been written; or
    - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding or, as the case may be, assenting to that candidate's nomination.
- (3) A person is guilty of a corrupt practice if he makes in any document in which he gives his consent to his nomination as a candidate at the election—
  - (a) a statement of his date of birth; or

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- (b) a statement as to his qualification for being elected at the election, which he knows to be false in any particular.
- (4) For the purposes of subsection (3) above, a statement as to a candidate's qualification is a statement—
  - (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.]

#### Textual Amendments

**F439** S. 65B inserted (S.) (29.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 13](#), 63; [S.S.I. 2007/26](#), [art. 2\(1\)\(b\)](#)

### 66 Requirement of secrecy.

- (1) The following persons—
  - (a) every returning officer and every presiding officer or clerk attending at a polling station,
  - (b) every candidate or election agent or polling agent so attending,
  - [<sup>F440</sup>(c) every person so attending by virtue of any of sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000,]
  - <sup>F441</sup>(d) .....shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—
  - (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
  - (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
  - (iii) the official mark.
- (2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—
  - (a) ascertain or attempt to ascertain at the counting of the votes the number [<sup>F442</sup>or other unique identifying mark] on the back of any ballot paper;
  - (b) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.
- (3) No person shall—
  - (a) interfere with or attempt to interfere with a voter when recording his vote;
  - (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;
  - (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number [<sup>F443</sup>or other unique identifying mark] on the back of the ballot paper given to a voter at that station;

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- (d) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.
- (4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—
- (a) Except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number [F444 or other unique identifying mark] on the back of the ballot paper sent to any person; or
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number [F445 or other unique identifying mark] on the back of any ballot paper; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.
- (5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number [F446 or other unique identifying mark] on the back of the ballot paper given for the use of that voter.
- (6) If a person acts in contravention of this section he shall be liable on summary conviction [F447 to a fine not exceeding level 5 on the standard scale or] to imprisonment for a term not exceeding 6 months.
- [F448(7) In their application in relation to an election of the London members of the London Assembly at an ordinary election, the preceding provisions of this section shall have effect with the insertion, after the words “the candidate for whom”, in each place where they occur, of “, or the registered political party towards the return of whose candidates,”.
- F448(8) In relation to an election of the London members of the London Assembly at an ordinary election, any reference in this section to the return of a registered political party’s candidates is a reference to the return of candidates included in the list of candidates submitted by the registered political party for the purposes of the election.]

#### Textual Amendments

- F440** S. 66(1)(c) inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), ss. 47, 77, [Sch. 1 para. 82](#); S.I. 2006/3412, [art. 5](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)
- F441** S. 66(1)(d) repealed (S.) (9.2.2012) by [The Local Electoral Administration \(Scotland\) Act 2011](#) (Consequential Amendments) Order 2012 (S.S.I. 2012/31), [arts. 2, 3](#)
- F442** Words in s. 66(2)(a) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), ss. 47, 77, [Sch. 1 para. 86\(a\)](#) (with [Sch. 1 para. 96](#)); S.I. 2006/3412, [art. 3](#), [Sch. 1 para. 14\(w\)\(bb\)\(iii\)](#) (subject to transitional provisions in [art. 6](#), [Sch. 2](#)); S.I. 2008/1316, [arts. 2, 4](#)

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- F443** Words in s. 66(3)(c) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 86(b)** (with Sch. 1 para. 96); S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F444** Words in s. 66(4)(b) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 86(c)** (with Sch. 1 para. 96); S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F445** Words in s. 66(4)(c) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 86(c)** (with Sch. 1 para. 96); S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F446** Words in s. 66(5) inserted (1.1.2007 for E.W.S. and 1.7.2008 for N.I.) by Electoral Administration Act 2006 (c. 22), ss. 47, 77, **Sch. 1 para. 86(d)** (with Sch. 1 para. 96); S.I. 2006/3412, **art. 3**, Sch. 1 para. 14(w)(bb)(iii) (subject to transitional provisions in art. 6, Sch. 2); S.I. 2008/1316, **arts. 2, 4**
- F447** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 23, **Sch. 3 para. 3**
- F448** S. 66(7)(8) inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 para. 11** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

#### **Modifications etc. (not altering text)**

- C385** S. 66 applied with modifications (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. 1**
- C386** S. 66 applied with modifications (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. 1**
- C387** S. 66 applied with modifications (E.W.) by S.I. 1987/1, **Rules 2, 5** and S.I. 1986/2215, **Rules 2, 9** (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule 1(4), **Sch. 1**)
- C388** S. 66 amended (N.I.) (*prosp.*) by Representation of the People Act 1985 (c. 50, SIF 42), s. 10, **Sch. 1 para. 27**
- C389** S. 66 applied (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)–(8), **Sch. 1**  
S. 66 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, **art. 3(1)(b)(6)(d)(7)**  
S. 66 applied (with modifications) (N.I.) (25.4.1998) by S.I. 1998/1126, art. 6, **Sch. 2**
- C390** S. 66 applied (with modifications) (31.7.1997) by 1997 c. 61, s. 3, **Sch. 3 para. 13** Table 1  
S. 66 applied (with modifications) (E.) (2.4.2001) by S.I. 2001/1298, regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9–12, 15–17, 20, 25)  
S. 66 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 66 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 10, **Sch. 4** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 66 applied (with modifications) (23.7.2004) by The Regional Assembly and Local Government Referendums Order 2004 (S.I. 2004/1962), art. 6(2), **Sch. 2 Pt. 2**  
S. 66 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 13**, {Sch. 4 Table 1}
- C391** S. 66 modified (E.W.) (2.1.2007 for specified purposes) by The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305), rules 1, **6**  
S. 66 modified (S.) (17.2.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 34(1)(b), 63**; S.S.I. 2007/26, **art. 3(1)(h)** (with art. 3(2))
- C392** S. 66 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C393** S. 66 applied (with modifications) (1.8.2001) by S.I. 2001/2599, art. 3, Sch. 1 (as substituted (10.2.2009) by S.I. 2009/256, arts. 1(2), 3, **Sch. 1**)
- C394** S. 66 applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323), reg. 1, **Sch. 4 para. 1**
- C395** S. 66 applied (with modifications) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** (with reg. 27)

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- C396** S. 66 applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C397** S. 66 applied in part (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by S.I. 2013/798, regs. 1, 7, **Sch. 3**)
- C398** S. 66(1)-(6) applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 1 para. 18** (with Sch. 1 para. 1(3))

## [<sup>F449</sup> 66A Prohibition on publication of exit polls.

- (1) No person shall, in the case of an election to which this section applies, publish before the poll is closed—
- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
  - (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.
- (2) This section applies to—
- (a) any parliamentary election; and
  - (b) any local government election in England or Wales.
- (3) If a person acts in contravention of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.
- (4) In this section—
- “forecast” includes estimate;
- “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;
- and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.]

### Textual Amendments

**F449** S. 66A inserted (3.9.2000) by [2000 c. 2, s. 15\(1\)](#), **Sch. 6 para. 6**

### Modifications etc. (not altering text)

- C399** S. 66A applied (with modifications) (E.) (2.4.2001) by [S.I. 2001/1298](#), regs. 8(1), 10(4), **Sch. 3** Table 2, Sch. 4 (subject to regs. 9-12, 15-17, 20, 25)
- S. 66A applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 8**, {Sch. 3 Table 2} (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
- S. 66A applied (with modifications) (W.) (24.3.2004) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2004 \(S.I. 2004/870\)](#), **reg. 10, Sch. 4** (which S.I. was revoked (24.7.2008) by [S.I. 2008/1848](#))
- S. 66A applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 6(2), **Sch. 2 Pt. 2**
- S. 66A applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), **regs. 8, 11, 13**, {Sch. 4 Table 1}



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- C400** S. 66A applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), **reg. 8**, {Sch. 4 para. 1 Table 1}
- C401** S. 66A applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3, **Sch. 1** (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, **Sch. 1**)
- C402** S. 66A applied (with modifications) (E.) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), reg. 1, **Sch. 4 para. 1**
- C403** S. 66A applied (with modifications) (E.) (18.2.2012) by [The Local Authorities \(Conduct of Referendums\) \(Council Tax Increases\) \(England\) Regulations 2012 \(S.I. 2012/444\)](#), reg. 1, **Sch. 4 para. 1** (with reg. 27)
- C404** S. 66A applied (with modifications) (3.8.2012) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), regs. 1, 8, 12, 13, **Sch. 4 Pt. 1**
- C405** S. 66A applied (with modifications) by [The Neighbourhood Planning \(Referendums\) Regulations 2012 \(S.I. 2012/2031\)](#), reg. 17, Sch. 8 Table 1 (as inserted (E.W.) (6.4.2013) by [S.I. 2013/798](#), regs. 1, 7, **Sch. 3**)
- C406** S. 66A applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 1 para. 19** (with Sch. 1 para. 1(3))

#### <sup>F450</sup> **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
  - (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.
- (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.
- (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;
  - (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.
- (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.]

#### **Textual Amendments**

- F450** S. 66B inserted (1.1.2007 for E.W.S. and 14.5.2008 for N.I) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 41(9)**, 77; [S.I. 2006/3412](#), **art. 3**, Sch. 1 para. 14(t) (subject to transitional provisions in [art. 6](#), Sch. 2); [S.I. 2008/1316](#), **arts. 2**, 3



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**Modifications etc. (not altering text)**

**C407** S. 66B applied (with modifications) (26.2.2016) by [The European Union Referendum \(Conduct\) Regulations 2016 \(S.I. 2016/219\)](#), reg. 1, **Sch. 1 para. 20** (with Sch. 1 para. 1(3))

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