



# Representation of the People Act 1985

## 1985 CHAPTER 50

An Act to amend the law relating to parliamentary elections in the United Kingdom and local government elections in Great Britain, to provide for combining polls taken on the same date at such elections and elections to the Assembly of the European Communities, to extend the franchise at elections to that Assembly, to amend the law relating to the effect of the demise of the Crown on the summoning and duration of a new Parliament and to repeal section 21(3) of the Representation of the People Act 1918. [16th July 1985]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Extension of franchise to British citizens overseas*

#### **1 Extension of parliamentary franchise**

- (1) Subject to section 1(3) of the principal Act, a person is entitled (notwithstanding anything in section 1(2) of that Act) to vote as an elector at a parliamentary election in any constituency if—
  - (a) he qualifies as an overseas elector in respect of that constituency on the qualifying date, and
  - (b) on that date and on the date of the poll he is not subject to any legal incapacity to vote and is a British " citizen.
- (2) For the purposes of this and the principal Act, a person qualifies as an overseas elector in respect of a constituency on the qualifying date if—
  - (a) on that date he is not resident in the United Kingdom, and
  - (b) he satisfies the following conditions.
- (3) Those conditions are that—

- (a) he was included in a register of parliamentary electors in respect of an address at a place that is situated within the constituency concerned,
  - (b) on the date by reference to which the register was prepared, he was resident or treated for the purposes of registration as resident at that address,
  - (c) that date fell within the period of five years ending immediately before the qualifying date, and
  - (d) if he was included in any register of parliamentary electors prepared by reference to a date later than the date referred to in paragraph (b) above, he was not resident or treated for the purposes of registration as resident at an address in the United Kingdom on that later date.
- (4) The reference in subsection (1) above to a person being subject to a legal incapacity to vote on the qualifying date does not include a reference to his being below the age of 18 on that date.

## **2 Registration of British citizens overseas**

- (1) A person may not be registered in any register as mentioned in section 12(1) of the principal Act on the ground that he may be entitled by virtue of section 1 of this Act to vote at parliamentary elections for which the register is to be used except—

- (a) ' in pursuance of a declaration made by him under and in accordance with this section (an "overseas elector's declaration "), and
- (b) in the register for the constituency or part of the constituency within which is situated the place in the United Kingdom specified in the declaration in accordance with subsection (4) below as having been the address in respect of which he was registered;

and may not be so registered on that ground unless the registration officer concerned is satisfied that, on the qualifying date, he qualifies as an overseas elector in respect of the constituency for which that register is prepared.

- (2) An overseas elector's declaration must be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register and must be made within the twelve months ending with that date.

- (3) An overseas elector's declaration must state—

- (a) the date of the declaration,
- (b) that the declarant is a British citizen,
- (c) that the declarant will not be resident in the United Kingdom on the qualifying date,
- (d) when he ceased to be so resident or, in the case of a person relying on registration in pursuance of a service declaration, when he ceased to have a service qualification or, if later, ceased to be so resident, and
- (e) that the declarant does not intend to reside permanently outside the United Kingdom,

and must contain such other information and satisfy such other requirements (which may include requirements for declarations to be attested and for the charging of fees in respect of their attestation) as may be prescribed.

- (4) An overseas elector's declaration must specify the address in respect of which he was registered and may not specify more than one such address; and if the declarant makes more than one such declaration bearing the same date and specifying different

addresses in the United Kingdom as the address in respect of which he was registered the declarations shall be void.

- (5) An overseas elector's declaration may be cancelled at any time by the declarant and such a declaration bearing a later date shall, without any express cancellation, cancel an overseas elector's declaration bearing an earlier date which was made with reference to the same qualifying date.
- (6) For the purposes of section 1 of this Act and Part I of the principal Act, where a person is registered in a register of parliamentary electors for any constituency or part of a constituency in pursuance of an overseas elector's declaration, it shall be conclusively presumed—
  - (a) that the address specified in the declaration in accordance with subsection (4) above is at a place that is situated within that constituency or, as the case may be, part, and
  - (b) that he was not resident in the United Kingdom on the qualifying date;and for the purposes of section 1 of this Act, section 49(1)(a) of the principal Act (register conclusive as to residence) does not apply in relation to a person's previous registration in a register of parliamentary electors unless he is registered in pursuance of an overseas elector's declaration by virtue of that previous registration.

### **3 Extension of franchise for European Assembly elections**

- (1) The reference in paragraph 2(1)(a) of Schedule 1 to the European Assembly Elections Act 1978 to persons registered in the register of parliamentary electors at an address within an Assembly constituency (only persons registered there entitled to vote at Assembly elections in the constituency) includes a reference to any person so registered in pursuance of an overseas elector's declaration where the address specified in the declaration in accordance with section 2(4) of this Act is at a place that is situated within the constituency.
- (2) A peer is entitled by virtue of this section to vote as elector at an Assembly election in any constituency if—
  - (a) he qualifies under this section in respect of that constituency on the qualifying date,
  - (b) on that date and on the day appointed for the election he is not subject to any legal incapacity to vote and is a British citizen, and
  - (c) he is registered in the constituency in the register under this section to be used at the election.
- (3) For the purposes of subsection (2) above, a peer qualifies under this section in respect of a constituency on the qualifying date if—
  - (a) on that date he is not resident in the United Kingdom, and
  - (b) he satisfies the following conditions.
- (4) Those conditions are that—
  - (a) he was included in a register of local government electors in respect of an address at a place that is situated within the constituency concerned,
  - (b) on the date by reference to which the register was prepared, he was resident or treated for the purposes of registration as resident at that address,
  - (c) that date fell within the period of five years ending immediately before the qualifying date, and

- (d) if he was included in any register of local government electors prepared by reference to a date later than the date referred to in paragraph (b) above, he was not resident or treated for the purposes of registration as resident at an address in the United Kingdom on that later date.
- (5) Regulations under this section may provide for the registration, subject to prescribed exceptions and on satisfying prescribed conditions, of those peers who (apart from the requirement of registration) may be entitled by virtue of this section to vote as electors at Assembly elections.
- (6) Such regulations shall require each registration officer to prepare and publish, in respect of any year for which any peers are to be registered under this section, a register of the peers so registered, and any such register shall so far as practicable be combined with the registers of parliamentary electors and of local government electors, the names of peers registered under this section being marked to indicate that fact.
- (7) Such regulations—
- (a) may require a person seeking registration under this section to make a declaration for the purpose, being a declaration of the prescribed facts and containing the prescribed information, and may require such declarations to be attested and provide for the charging of fees in respect of their attestation, and
  - (b) may apply with such modifications or exceptions as maybe prescribed any provision in respect of the registration of parliamentary or local government electors made by or under the principal Act or this Act and, in Northern Ireland, by or under the Electoral Law Act (Northern Ireland) 1962.
- (8) In this section—
- " legal incapacity " has the same meaning—
- (a) in relation to Great Britain as it has in the principal Act for the purposes of local government elections, and
  - (b) in relation to Northern Ireland as it has in the Electoral Law Act (Northern Ireland) 1962 for the purposes of local elections,
- but the reference in subsection (2)(b) above to a person being subject to a legal incapacity to vote on the qualifying date does not include a reference to his being below the age of 18 on that date,
- " local election " has the same meaning as in the Electoral Law Act (Northern Ireland) 1962, and
- " qualifying date " means, in relation to an Assembly election in Great Britain, the date which would be the qualifying date if that election were a local government election and, in relation to an Assembly election in Northern Ireland, the date which would be the qualifying date if that election were a local election,
- and references to the register of local government electors include a reference to the register of electors prepared in accordance with the Electoral Law Act (Northern Ireland) 1962.
- (9) For the purposes of this section, section 49(2)(a) of the principal Act (registers conclusive as to residence) does not apply in relation to a person's previous registration in a register of local government electors unless he is registered under this section by virtue of that previous registration.

#### **4 Extension of franchise: consequential amendments**

- (1) In section 9(2) of the principal Act (combined register to indicate those registered only as local government electors) after the words "only as " there shall be inserted the words " parliamentary electors or".
- (2) In section 10 of that Act (preparation of registers)—
  - (a) in paragraph (a) (inquiry as to persons entitled to be registered except in pursuance of service declaration) after the word " declaration " there shall be inserted the words " patient's declaration or overseas elector's declaration"; and
  - (b) in paragraph (b) (preparation of lists of those entitled to be registered together with their qualifying addresses) for the words " together with " there shall be substituted the words " and, subject to any prescribed exceptions".
- (3) In section 12(1) of that Act (right to be registered, subject to exceptions) in paragraph (a) after the word " qualification " there shall be inserted—

“(aa) section 2(1) of the Representation of the People Act 1985”.
- (4) In section 49 of that Act (effect of registers) in subsection (5) in paragraph (a) and paragraph (i) after the word " Ireland " there shall be inserted the words " or, in the case of a person registered as a parliamentary elector in pursuance of an overseas elector's declaration, a British citizen".
- (5) In section 202 of that Act (interpretation) before the definition of " parliamentary election petition " there shall be inserted the following definition—

“overseas elector's declaration ' has the meaning given by section 2 of the Representation of the People Act 1985”.
- (6) In Schedule 1 to that Act in rule 28 (issue of poll cards) at the end of paragraph (1) there shall be inserted the words " and a card shall not be sent to any person registered, or to be registered, in pursuance of an overseas elector's declaration".
- (7) In Schedule 2 to that Act (regulations as to registration)—
  - (a) at the end of paragraph 4 there shall be inserted—

“(2) Provisions as to the manner in which overseas electors' declarations, and applications from persons making such declarations, are to be transmitted to the registration officer.”; and
  - (b) after paragraph 5(1) there shall be inserted—

“(1A) Provisions as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, of a person satisfying any of the requirements for qualifying as an overseas elector in respect of any constituency.”.

#### *Voting at parliamentary elections in the United Kingdom and local government elections in Great Britain*

#### **5 Manner of voting at parliamentary and local government elections**

- (1) This section applies to determine the manner of voting of a person entitled to vote as an elector at a parliamentary or local government election.

- (2) He may vote in person at the polling station allotted to him under the appropriate rules, unless he is entitled as an elector to an absent vote at the election.
- (3) He may vote by post if he is entitled as an elector to vote by post at the election.
- (4) If he is entitled to vote by proxy at the election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under the appropriate rules for a ballot paper for the purpose of voting in person, in which case he may vote in person there.
- (5) If he is not entitled as an elector to an absent vote at the election but cannot reasonably be expected to go in person to the polling station allotted to him under the appropriate rules by reason of the particular circumstances of his employment, either as a constable or by the returning officer, on the date of the poll for a purpose connected with the election, he may vote in person at any polling station in the constituency or, as the case may be, electoral area.
- (6) For the purposes of the provisions of this and the principal Act, a person entitled to vote as an elector at a parliamentary or local government election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at a parliamentary or local government election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.
- (7) In this section and sections 6 to 9 of this Act—
  - " appropriate rules " means—
    - (a) in the case of a parliamentary election, the parliamentary elections rules, and
    - (b) in the case of a local government election, rules made (or having effect as if made) under section 36 or, as the case may be, 42 of the principal Act, and
  - " local government election " means a local government election in Great Britain.

## **6 Absent vote at elections for an indefinite period**

- (1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at parliamentary elections, at local government elections or at both for an indefinite period, the registration officer shall grant the application (subject to subsection (6) below) if—
  - (a) he is satisfied that the applicant is eligible for an absent vote at elections to which the application relates for an indefinite period,
  - (b) he is satisfied that the applicant is or will be registered in the register for such elections, and
  - (c) the application meets the prescribed requirements.
- (2) For the purposes of this section, a person is eligible for an absent vote at parliamentary or local government elections for an indefinite period—
  - (a) if he is or will be registered as a service voter,
  - (b) if he cannot reasonably be expected—

- (i) to go in person to the polling station allotted or likely to be allotted to him under the appropriate rules, or
    - (ii) to vote unaided there, by reason of blindness or other physical incapacity,
  - (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse, or
  - (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea,
- and is also eligible for an absent vote at parliamentary elections for an indefinite period if he is or will be registered in pursuance of an overseas elector's declaration.
- (3) The registration officer shall keep a record of those whose applications under this section have been granted showing—
- (a) whether their applications were in respect of parliamentary elections, local government elections or both,
  - (b) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
  - (c) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.
- (4) The registration officer shall remove a person from the record kept under subsection (3) above—
- (a) if he applies to the registration officer to be removed,
  - (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered as a service voter or in pursuance of an overseas elector's declaration, or
  - (c) if the registration officer gives notice that he has reason to believe there has been a material change of circumstances.
- (5) A person shown in the record kept under subsection (3) above as voting by post or, as the case may be, voting by proxy may subsequently alter his choice (subject to subsection (6) below) on an application to the registration officer that meets the prescribed requirements and the registration officer shall amend the record accordingly.
- (6) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

## **7 Absent vote at a particular election and absent voters list**

- (1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at a particular parliamentary or local government election, the registration officer shall grant the application (subject to subsection (5) below) if—
- (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the appropriate rules,
  - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary or, as the case may be, local government electors, and
  - (c) the application meets the prescribed requirements.

- (2) Subsection (1) above does not apply to a person who is included in the record kept under section 6 of this Act in respect of elections of the kind in question, but such a person may, in respect of a particular parliamentary or local government election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address in the United Kingdom, or
  - (b) to vote by proxy,
- if he is shown in the record so kept as voting by post at elections of the kind in question.
- (3) The registration officer shall grant an application under subsection (2) above if it meets the prescribed requirements.
- (4) The registration officer shall, in respect of each parliamentary or local government election, keep a special list (" the absent voters list ") consisting of—
- (a) a list of—
    - (i) those whose applications under subsection (1) above to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
    - (ii) those who are for the time being shown in the record kept under section 6 of this Act as voting by post at elections of the kind in question (excluding those so shown whose applications under subsection (2) above to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under that section or, as the case may be, subsection (2) above as the addresses to which their ballot papers are to be sent, and
  - (b) a list (" the list of proxies ") of those whose applications under this section to vote by proxy at the election have been granted or who are for the time being shown in the record kept under section 6 of this Act as voting by proxy at elections of the kind in question, together with the names and addresses of those appointed as their proxies.
- (5) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

## **8 Proxies at elections**

- (1) Subject to the provisions of this section, any person is capable of being appointed proxy to vote for another (in this section and section 9 of this Act referred to as " the elector ") at any parliamentary or local government election and may vote in pursuance of the appointment.
- (2) The elector cannot have more than one person at a time appointed as proxy to vote for him at parliamentary elections (whether in the same constituency or elsewhere).
- (3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary or local government election—
- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
  - (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland.



- (4) A person is not capable of voting as proxy at any such election unless on the date of the poll he has attained the age of eighteen.
- (5) A person is not entitled to vote as proxy at the same parliamentary election in any constituency, or at the same local government election in any electoral area, on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
- (6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at parliamentary elections, at local government elections or at both for an indefinite period, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
  - (a) registered in the register of electors for elections in respect of which the application is made, and
  - (b) shown in the record kept under section 6 of this Act as voting by proxy at such elections,and that the proxy is capable of being and willing to be appointed to vote as proxy at such elections.
- (7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular parliamentary or local government election, the registration officer shall make the appointment if the application meets the prescribed requirements and he is satisfied that the elector is or will be—
  - (a) registered in the register of parliamentary or, as the case may be, local government electors for that election, and
  - (b) entitled to vote by proxy at that election by virtue of an application under section 7 of this Act,and that the proxy is capable of being and willing to be appointed.
- (8) The appointment of a proxy under this section is to be made by means of a proxy paper issued by the registration officer.
- (9) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force—
  - (a) where the appointment related to a parliamentary election or parliamentary elections, on the issue of a proxy paper appointing a different person to vote for him at a parliamentary election or parliamentary elections (whether in the same constituency or elsewhere), and
  - (b) where the appointment related to a local government election or local government elections, on the issue of a proxy paper appointing a different person to vote for him at a local government election or local government elections in the same electoral area.
- (10) Subject to subsection (9) above, the appointment shall remain in force—
  - (a) in the case of an appointment for a particular election, for that election, and
  - (b) in any other case, while the elector is shown as voting by proxy in the record kept under section 6 of this Act in pursuance of the same application under that section.
- (11) Stamp duty is not chargeable on any instrument appointing a proxy under this section.

## **9 Voting as proxy**

- (1) A person entitled to vote as proxy at a parliamentary or local government election may do so in person at the polling station allotted to the elector under the appropriate rules unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.
- (2) Where a person is entitled to vote by post as proxy for the elector at any election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.
- (3) For the purposes of this and the principal Act, a person entitled to vote as proxy for another at a parliamentary or local government election is entitled so to vote by post if he is included in the list kept under subsection (9) below in respect of the election.
- (4) Where a person applies to the registration officer to vote by post as proxy at parliamentary elections, at local government elections or at both for an indefinite period, the registration officer shall (subject to subsections (10) and (12) below) grant the application if—
  - (a) the applicant is included in any record kept under section 6 of this Act in respect of a constituency, or electoral area, for the whole or any part of which the registration officer acts, or
  - (b) the address provided by the applicant in his application as the address to which his ballot paper is to be sent is not in the same area as the elector's qualifying address or, where the elector is registered in pursuance of an overseas elector's declaration, the address specified in the declaration in accordance with section 2(4) of this Act,and the application meets the prescribed requirements.
- (5) For the purposes of this section, two addresses are in the same area only if—
  - (a) both addresses are in the same parliamentary constituency in Greater London or in the same parliamentary constituency in a metropolitan county in England,
  - (b) both addresses are in the same electoral division of a non-metropolitan county in England and, if either address is in a parish, both are in the same parish,
  - (c) both addresses are in the same electoral division of a county in Wales and in the same community,
  - (d) both addresses are in the same electoral division in Scotland, or
  - (e) both addresses are in the same ward in Northern Ireland.
- (6) The registration officer shall keep a record of those whose applications under subsection (4) above have been granted showing—
  - (a) whether their applications were in respect of parliamentary elections, local government elections or both, and
  - (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (7) Where a person applies to the registration officer to vote by post as proxy at a particular election and the application meets the prescribed requirements, the registration officer shall (subject to subsections (10) and (12) below) grant the application if—
  - (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in

- person at the polling station allotted or likely to be allotted to the elector under the appropriate rules, or
- (b) the applicant is, or the registration officer is satisfied that he will be, included in respect of the constituency or, as the case may be, electoral area for the whole or any part of which the registration officer acts in any of the absent voters lists for that election.
- (8) Where, in the case of a particular election, a person included in the record kept under subsection (6) above in respect of elections of the kind in question applies to the registration officer for his ballot paper to be sent to a different address in the United Kingdom, the registration officer shall grant the application if it meets the prescribed requirements.
- (9) The registration officer shall, in respect of each parliamentary or local government election, keep a special list of—
- (a) those who are for the time being included in the record kept under subsection (6) above in respect of elections of the kind in question, together with the addresses provided by them in their applications under that subsection or, as the case may be, subsection (8) above as the addresses to which their ballot papers are to be sent, and
  - (b) those whose applications under subsection (7) above have been granted in respect of the election concerned, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (10) The registration officer shall not grant any application under this section unless—
- (a) he is satisfied that the elector is or will be registered in the register of parliamentary electors, local government electors or both (as the case may be), and
  - (b) there is in force an appointment of the applicant as the elector's proxy to vote for him at elections of the kind in question or, as the case may be, the election concerned.
- (11) The registration officer shall remove a person from the record kept under subsection (6) above—
- (a) if he applies to the registration officer to be removed,
  - (b) where he was included in the record on the ground mentioned in subsection (4) (a) above, if he ceases to be included in any record kept under section 6 of this Act in respect of a constituency, or electoral area, for the whole or any part of which the registration officer acts or becomes so included in pursuance of a further application under that section,
  - (c) if the elector ceases to be registered as mentioned in subsection (10)(a) above, or
  - (d) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed).
- (12) A person applying to vote by post as proxy must provide an address in the United Kingdom as the address to which his ballot paper is to be sent.

## **10 Voting at special polling stations in Northern Ireland**

- (1) Schedule I to this Act makes provision for those—

- (a) whose circumstances on the date of the poll at a particular parliamentary election in Northern Ireland will be or are likely to be such that they cannot reasonably be expected to vote in person as electors at the polling stations allotted or likely to be allotted to them under the parliamentary elections rules, but
  - (b) who on that date will be in Northern Ireland.
- (2) The Secretary of State may by order made by statutory instrument bring that Schedule into force if he is satisfied that it is necessary to do so in order to prevent serious abuse of the system of voting by post in the case of ballot papers for elections in Northern Ireland sent to addresses there in pursuance of applications granted under section 7(1) of this Act.
- (3) That Schedule shall cease to be in force if the Secretary of State so provides by order made by statutory instrument (without prejudice to his power to make a further order under subsection (2) above), and an order under this subsection may include such transitional provisions as the Secretary of State considers necessary or expedient.
- (4) No order under this section shall be made unless a draft of the order has been laid before and approved by each House of Parliament.
- (5) While that Schedule is in force, section 7(5) of this Act shall have effect as if it required a person applying under section 7(1) of this Act to vote by post at a particular parliamentary election in Northern Ireland to provide an address in Great Britain as the address to which his ballot paper is to be sent.

## **11 Manner of voting: supplementary provision**

Schedule 2 to this Act (which—

- (a) in Part I, makes amendments of the principal Act consequential on the provisions of sections 5 to 9 of this Act,
- (b) in Part II, makes transitional provision in relation to absent voters, and
- (c) in Part III, makes provision as to absent voting at municipal elections in the City)

shall have effect.

*Offences as to declarations, etc.*

## **12 Offences as to declarations, etc.**

- (1) A person who makes an overseas elector's declaration or a declaration purporting to be an overseas elector's declaration—
  - (a) when he knows that he is subject to a legal incapacity to vote at parliamentary elections (age apart), or
  - (b) when he knows that it contains a statement which is false,
 is guilty of an offence.
- (2) A person who attests an overseas elector's declaration or a declaration purporting to be an overseas elector's declaration when he knows—
  - (a) that he is not authorised to attest such a declaration, or
  - (b) that it contains a statement which is false,

is guilty of an offence.

- (3) A person who makes a statement which he knows to be false in any declaration or form used for any of the purposes of sections 5 to 9 of this Act or attests an application under section 6 or 7 of this Act when he knows that he is not authorised to do so or that it contains a statement which is false is guilty of an offence.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### *Deposits and expenses at elections*

## **13 Deposit by candidates at parliamentary elections.**

In Schedule 1 to the principal Act (parliamentary elections rules)—

- (a) in rule 9(1) (nomination not valid unless £150 deposited with the returning officer) for " £150 " there shall be substituted " £500"; and
- (b) in rule 53(4) (forfeiture of deposit where a candidate has polled not more than one-eighth of the total votes) for "one-eighth" there shall be substituted " one-twentieth".

## **14 Election expenses**

- (1) In section 73(2) of the principal Act (payments made by election agent to be vouched for by bill and receipt except where less than £2) for " £2 " there shall be substituted " £20".
- (2) In section 74(1) of that Act (candidate's personal election expenses may be met by him if they do not exceed £100, the excess being paid by his election agent) for "£100" there shall be substituted " £600".
- (3) In section 75(1) of that Act (no election expenses to be incurred by persons other than candidate, election agent or persons authorised by him) in paragraph (ii) (exception for expenses not exceeding 50p in aggregate) for "50p " there shall be substituted " £5".
- (4) After section 76 of that Act there shall be inserted the following section—

### **“76A Power to vary provisions concerning election expenses.**

- (1) The Secretary of State may by order made by statutory instrument vary the sum specified in section 73(2), 74(1) or 75(1) above or a maximum amount of candidate's election expenses specified in section 76(2) above where in his opinion there has been a change in the value of money since the last occasion on which that sum or, as the case may be, amount was fixed (whether by such an order or otherwise) and the variation shall be such as in his opinion is justified by that change.
- (2) An order under subsection (1) above shall not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”
- (5) In section 90(1) of that Act (election expenses at elections of parish or community councillors) there shall be inserted at the end—

“(c) section 76A(1) has effect as if for the reference to the sum specified in section 73(2), 74(1) or 75(1) above there were substituted a reference to the sum specified in paragraph 3 of Schedule 4 to this Act”.

- (6) In paragraph 3 of Schedule 4 to that Act (candidates at elections of parish or community councillors to send in return of all election expenses vouched, except where less than £1, by bills and receipts) for " £1 " there shall be substituted " £10".

### *Combination and timing of polls*

## **15 Combination of polls at parliamentary, European Assembly and local elections**

- (1) Where the polls at—
- (a) a parliamentary general election and an Assembly general election;
  - (b) an ordinary local government election and a parliamentary general election; or
  - (c) an ordinary local government election and an Assembly general election,
- are to be taken on the same date, they shall be taken together.
- (2) Where the polls at elections for related areas are to be taken on the same date but are not required by subsection (1) above or section 36 of the principal Act to be taken together, they may nevertheless be so taken if the returning officer for each election thinks fit.
- (3) In subsection (2) above the reference to elections includes Assembly elections but does not include elections under the local government Act which are not local government elections; and for the purposes of that subsection two areas are related if one is coterminous with or situated wholly or partly within the other.
- (4) 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.
- (5) 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.

## **16 Postponement of poll at parish or community council elections**

- (1) Where the date of the poll at a parliamentary general election or an Assembly general election is the same as the ordinary day of election of councillors for local government areas in England and Wales—
- (a) any poll at an election of parish or community councillors to be held in England and Wales on that date shall be postponed for three weeks ;
  - (b) the date to which any such poll is so postponed shall be taken to be the ordinary day of election for the purposes of sections 16(3) and 35(2) of the Local Government Act 1972 and the day of election for the purposes of any rules concerning the conduct of elections of such councillors made (or having effect as if made) under section 36 of the principal Act; and
  - (c) any expenses of any returning officer for an election at which the poll is postponed under this subsection which are attributable to the postponement shall be charged on and paid out of the Consolidated Fund.

- (2) In subsection (1) of section 40 of the principal Act (timing of local elections) after the words " section 39 above " there shall be inserted the words " or section 16 of the Representation of the People Act 1985".

## **17 Combination of polls at local elections**

—For subsection (3) of section 36 of the principal Act (local elections in England and Wales) there shall be substituted—

“(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 or community councillors for any parish or 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.

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

(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.”.

## **18 Ordinary day of local elections**

- (1) Notwithstanding sections 37 and 43 of the principal Act (which provide respectively for the ordinary day of local elections in England and Wales and the day of ordinary local election in Scotland), in 1986 the ordinary day of election of councillors for local government areas in England and Wales and the day of ordinary local election of councillors for local government areas in Scotland shall be 8th May.
- (2) In paragraph (b) of section 37 of that Act (power to fix alternative day as ordinary day of local elections in England and Wales by order made not later than 1st February in the year preceding the first year when the order takes effect) for the words " the first year " there shall be substituted the words " the year (or, in the case of an order affecting more than one year, the first year)".

## **19 Timing of elections**

- (1) In section 40(1) of the principal Act (days to be disregarded for the purpose of the timing of local elections in England and Wales)—
- (a) for the words "Sunday, day of the Christmas break, of the Easter break or of a bank holiday break " there shall be substituted the words " Saturday,

Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, bank holiday"; and

- (b) the words from "In this subsection" onwards shall cease to have effect.
- (2) In section 39 of that Act (local elections void etc. in England and Wales) in subsection (1) (period within which elections to fill vacancies to be held) for the words " 42 days " there shall be substituted the words " 35 days".
- (3) In section 43 of that Act (day of ordinary local elections in Scotland and other timing provisions) in subsection (2) immediately before the words " Sunday ", " Christmas Day " and " Good Friday " there shall be inserted respectively the words "saturday " , " Christmas Eve " and " Maundy Thursday " and for the words " for the purposes of this Act" there shall be substituted the words " for the purposes of this Part of this Act in so far as it relates to the conduct of local government elections in Scotland".
- (4) In section 119 of that Act (computation of time for purposes of Part II) for subsections (2) and (3) there shall be substituted—
  - “(2) The days referred to in subsection (1) above are Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning.
  - (3) In this section ' bank holiday ', in relation to any election, means a day which is a bank holiday in the part of the United Kingdom in which the constituency or, as the case may be, electoral area is situated.”.
- (5) In Schedule 1 to the principal Act (parliamentary elections rules), in rule 2 (computation of time)—
  - (a) in paragraph (1) for sub-paragraph (b) there shall be substituted—
    - “(b) Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or a bank holiday”; and
  - (b) paragraph (3) shall cease to have effect.
- (6) In the Local Government Act 1972—
  - (a) in section 243 (computation of time) in subsection (3) for the words " Where under subsection (1) above the day of election or" there shall be substituted the words " Where under subsection (4) below " and the words " of election or ", in the second place where they occur, and " as the case may be " shall cease to have effect;
  - (b) for the purposes of subsection (4) of that section, subsection (1) of that section shall have effect as if for the words from "Sunday" to "bank holiday break" there were substituted the words " Saturday, Sunday, Christmas Eve, Christmas Day, Maundy Thursday, Good Friday or bank holiday"; and
  - (c) in section 89(1) (period within which elections to fill casual vacancies in office of councillor for principal area to be held) for the words " forty-two days ", in both places where they occur, there shall be substituted the words " thirty-five days".



*Miscellaneous and supplemental*

**20 Summoning new Parliament: effect of demise of the Crown**

- (1) Where a proclamation summoning a new Parliament has been given, the demise of the Crown shall not, except as provided by this section, affect the summoning of the new Parliament in pursuance of the proclamation or its duration; and accordingly sections 3 and 4 of the Meeting of Parliament Act 1797 (which, if the demise occurs before the day appointed for the meeting of the new Parliament, require the dissolved Parliament to meet and sit for six months and make similar provision in the event of the death of the heir within that period) and section 5 of that Act (which, if the demise occurs on or after that day but before the new Parliament meets and sits, requires the new Parliament to be dissolved within six months) shall cease to have effect.
- (2) Where the demise occurs at any time after the proclamation is given and before the date of the poll—
  - (a) the meeting of Parliament shall (subject to any prorogation subsequent to the demise) take place on the day following the end of the period of fourteen days beginning with the day appointed in the proclamation for the meeting or, if the first-mentioned day is a day to be disregarded in computing any period of time for the purposes of the timetable in the rules in Schedule 1 to the principal Act, on the next day which is not such a day, and
  - (b) that timetable shall have effect for the purposes of the Representation of the People Acts, in relation to anything which at the time of the demise has not been done and was not required to be done before that time, as if the proclamation given, and any proceeding referred to in that timetable (including the receipt of the writ) which has taken place, had been given or taken place on the day following the end of the period of fourteen days beginning with the day on which it was given or took place.
- (3) Where the meeting of Parliament is postponed under subsection (2) above, any writ issued or to be issued in pursuance of the proclamation (whether a writ of election, writ of summons or writ of attendance) shall have effect as if, instead of the date appointed in the proclamation for the meeting, it specified the date to which the meeting is postponed (but any writ still to be issued may specify the latter date).
- (4) Where the day on or before which or before a certain time in which or between certain times in which anything is required to be done under the Representation of the People Acts is postponed under subsection (2) above, any notice or other document under any provision of those Acts, being a document referring to the original day, shall have effect as if it referred instead to the day determined by virtue of that subsection (but a document under any such provision may specify the latter day).
- (5) Where the date of the poll at an election is postponed under subsection (2) above, section 76 of the principal Act (limitation on election expenses) shall have effect in relation to any candidate at the election as if the maximum amount specified in subsection (2)(a) of that section were increased by one half.

## **21 Ordinary elections of parish and community councillors: insufficient nominations**

- (1) This section applies where, at an ordinary election of parish or community councillors in England and Wales, an insufficient number of persons are or remain validly nominated to fill the vacancies in respect of which the election is held.
- (2) Unless the number of newly elected members of the council in question is less than the number that constitutes a quorum for meetings of the council—
  - (a) those members may co-opt any person or persons to fill the vacancy or vacancies remaining unfilled,
  - (b) the district council may exercise the powers conferred by section 39(4) of the principal Act (power of district council by order to do anything necessary for the proper holding of an election etc.) in relation to any such vacancy or vacancies as are not so filled, and
  - (c) section 39(1) of that Act (duty of returning officer to order an election) shall not apply ;

but the powers mentioned in paragraph (b) above shall not be exercised before the expiry of the period of 35 days (computed according to section 40 of that Act) beginning with the day on which the election was held.
- (3) Subsection (7) of section 39 of that Act (parishes in different districts grouped) shall apply for the purposes of subsection (2) above as it applies for the purposes of subsections (4) and (6) of that section and section 40(3) of that Act (computation of time) shall apply for the purposes of subsection (2) above as it applies for the purposes of section 39.

## **22 Welsh versions of forms**

- (1) In section 2(1) of the Welsh Language Act 1967 (power to prescribe Welsh version of forms, etc. specified in enactments passed either before or after that Act) the reference to any enactment passed either before or after that Act shall include regulations made under the principal Act or this Act and rules made (or having effect as if made) under section 36 of the principal Act.
- (2) Section 199 of the principal Act (translations of statutory forms into Welsh language) shall cease to have effect.

## **23 Increase in penalties for offences under principal Act, etc.**

Schedule 3 to this Act shall have effect for the purpose of increasing the penalties applying in respect of certain offences under the principal Act and otherwise amending the provisions in that Act concerning such penalties.

## **24 Miscellaneous amendments of principal Act**

The principal Act shall have effect subject to the amendments specified in Schedule 4 to this Act (being miscellaneous amendments including amendments consequential on the provisions of this Act).

## 25 Amendments of other enactments

- (1) Section 26 of the Police and Criminal Evidence Act 1984. (repeal of statutory powers of arrest) shall not apply to rule 36 in Schedule 1 to the principal Act (power of presiding officer to order constable to arrest person suspected of personation) and, accordingly, in Schedule 2 to the 1984 Act (preserved powers of arrest) there shall be inserted at the appropriate place—

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“1983 c.2.

Rule 36 in Schedule 1 to the  
Representation of the People Act 1983”.

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- (2) In section 3(7) of the Elections (Northern Ireland) Act 1985. (certain offences to be corrupt practices under the principal Act) for " 168(2)(b) " there shall be substituted " 168(1)(a)(ii)".

## 26 Expenses

- (1) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.
- (2) There shall be paid out of money provided by Parliament—
- (a) any increase attributable to this Act in the sums to be paid out of money so provided under any other Act, and
  - (b) any administrative expenses incurred by the Secretary of State by virtue of this Act.

## 27 Interpretation

- (1) In this Act—
- " Assembly " means the Assembly of the European Communities,
  - " Assembly election " means an election of a representative to the Assembly and " Assembly general election " means a general election of such representatives, and
  - "principal Act" means the Representation of the People Act 1983.
- (2) The principal Act and sections 1 to 12, 15 to 18 and 21 of and Schedule 1 to this Act shall have effect as if those sections and that Schedule were contained in Part I of that Act, and sections 5, 6 and 7(1) of the principal Act (residence) apply for the purposes of sections 1 to 3 of this Act as they apply for the purposes of sections. 1 and 2 of that Act.
- (3) References in any enactment other than an enactment contained in this or the principal Act to Part I of that Act include a reference to sections 1 to 12, 15 to 18 and 21 of and Schedule 1 to this Act.

## 28 Repeals

- (1) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

- (2) Section 21(3) of the Representation of the People Act 1918 (time appointed for meeting of Parliament not to be less than twenty clear days after proclamation summoning it) shall cease to have effect.
- (3) Article 2(1), (2) and (3) of the Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973 (which provides for the Chief Electoral Officer for Northern Ireland to be electoral registration officer for constituencies in Northern Ireland and returning officer for parliamentary elections in such constituencies and is superseded by provision made in this Act) is hereby revoked.

## **29 Citation, commencement and extent**

- (1) This Act may be cited as the Representation of the People Act 1985 and shall be included among the Acts that may be cited as the Representation of the People Acts.
- (2) This Act (except the provisions mentioned in subsection (3) below) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (3) Those provisions are—
  - (a) sections 25(1) and 27(1) of this Act, this section, the amendment made by paragraph 18 of Schedule 4 to this Act and the repeal made by the entry in Schedule 5 to this Act relating to the Police and Criminal Evidence Act 1984 (which come into force on the day on which this Act is passed), and
  - (b) Schedule 1 to this Act (which may be brought into force under section 10 of this Act).
- (4) This Act, except the provisions mentioned in subsection (5) below, extends to Northern Ireland; and section 10 of and Schedule 1 to this Act extend to Northern Ireland only.
- (5) Those provisions are sections 15 to 18, 21 and 22 of this Act and any amendment or repeal by this Act of an enactment not extending to Northern Ireland.

## SCHEDULES

### SCHEDULE 1

Section 10.

#### SPECIAL POLLING STATIONS IN NORTHERN IRELAND

##### PART I

###### RIGHT TO VOTE AT SPECIAL POLLING STATIONS

- 1 (1) Where, in the case of a person entitled to vote as an elector at a parliamentary election in Northern Ireland, the absent voters list shows that a special polling station is allotted to him he may, notwithstanding anything in section 5 of this Act, vote only in person at that polling station.
- (2) Where a person applies to the Chief Electoral Officer for Northern Ireland (in this Schedule referred to as "the electoral officer") to vote at a particular parliamentary election in Northern Ireland at a special polling station, the electoral officer shall grant the application if—
  - (a) he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under the parliamentary elections rules,
  - (b) he is satisfied that the applicant is or will be registered in the register of parliamentary electors, and
  - (c) the application meets the prescribed requirements.
- (3) The electoral officer shall allot a special polling station to any person whose application under this paragraph is granted and shall send him a notice setting out the situation of the special polling station allotted to him and giving such other information as may be prescribed.
- (4) There shall be included in the absent voters list in respect of each parliamentary election in Northern Ireland a list of persons whose applications under this paragraph have been granted, setting out, in the case of each person, the situation of the special polling station allotted to him and giving such other information as may be prescribed.
- (5) For the purposes of this paragraph, the electoral officer—
  - (a) shall designate special polling places and may by further designations from time to time alter any designation under this paragraph,
  - (b) shall publish such notice as he thinks is required of the situation of any place or places currently designated under this paragraph, and
  - (c) shall in respect of each parliamentary election, provide a special polling station in each special polling place, unless he is satisfied that the number of persons likely to vote there at that election does not justify it.

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

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- (6) Sub-paragraph (5) above has effect notwithstanding anything in section 18 of the principal Act.

## PART II

### RULES RELATING TO SPECIAL POLLING STATIONS

- 2       The following paragraphs in this Part of this Schedule shall have effect for all purposes as additional rules in Schedule 1 to the principal Act.
- 3       The official mark on the ballot paper of those voting in respect of a constituency at a special polling station—
- (a) shall be different from the official mark on the ballot papers of those voting at the same election in respect of the constituency at polling stations allotted to them under the parliamentary elections rules, and
  - (b) shall be kept secret;
- and an interval of seven years shall intervene between the use of the same official mark on ballot papers of those voting at special polling stations.
- 4       (1) The electoral officer shall provide each presiding officer at a special polling station with a list (in this Schedule referred to as "the special polling list") of those electors to whom the special polling station has been allotted, showing for each elector—
- (a) the constituency in respect of which he is or appears from the electors lists concerned to be entitled to be registered, and
  - (b) his electoral number.
- (2) Rule 7(6) of the parliamentary elections rules applies for the purposes of this paragraph.
- 5       (1) The electoral officer may, after such consultation as appears to him to be desirable, appoint persons (including candidates and their election agents) to attend special polling stations as observers, and each appointment of an observer—
- (a) shall be made in writing, and
  - (b) shall indicate the polling station or polling stations to which he is assigned.
- (2) References in this Schedule to observers are references to observers appointed under this paragraph.
- 6       (1) When the electoral officer has received the ballot boxes and packets from all the special polling stations, he shall in the presence of each candidate wishing to attend or (if a candidate so chooses) his agent—
- (a) open each ballot box and count and record the number of ballot papers in it,
  - (b) verify each ballot paper account, and
  - (c) in the case of a general election or two or more by-elections, sort the ballot papers into separate packets for each constituency.
- (2) The electoral officer shall give notice in writing to the candidates of the time and place at which he will begin to count the ballot papers under this paragraph, and no person other than the candidates or (where they so choose) their agents may be present unless permitted by the electoral officer.
- (3) A person not entitled to attend at the counting of ballot papers under this paragraph shall not be permitted to do so unless the electoral officer—

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

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- (a) is satisfied that the efficient counting of the ballot papers will not be impeded, and
    - (b) has either consulted the candidates or, as the case may be, their agents or thought it impracticable to do so.
  - (4) The electoral officer shall give to the candidates or, as the case may be, their agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.
  - (5) The electoral officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing unused and spoilt ballot papers) and shall draw up a statement as to the result of the verification, which any candidate or, as the case may be, his- agent may copy.
  - (6) In the case of a general election or two or more by-elections, each packet of ballot papers for a constituency, accompanied, by a statement of the number of ballot papers, shall be sent to the place where the votes for that constituency are to be counted and the votes given on the ballot papers may, when—
    - (a) in the presence of the counting agents appointed under rule 30 of the parliamentary elections rules, the number of ballot papers in the packet has been counted and compared with the statement, and
    - (b) those ballot papers have been mixed with the ballot papers from at least one ballot box not used at a special polling station,be counted in accordance with the parliamentary elections rules (other than rule 45(1), (1A) and (5)).
  - (7) In any other case, the votes given on any ballot papers counted under this paragraph may, when they have been mixed with the ballot papers from at least one ballot box not used at a special polling station, be counted in accordance with the parliamentary elections rules (other than rule 45(1), (1A) and (5)).
  - (8) References in this paragraph to a candidate's agent are references to his election agent or to his counting agent appointed under rule 30 of the parliamentary elections rules to attend at the counting of the votes.
- 7 (1) On the completion of the counting at a contested election, the electoral officer shall, in relation to votes cast at special polling stations, forward to the Clerk of the Crown for Northern Ireland—
- (a) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
  - (b) the tendered votes list, the list of votes marked by the presiding officer and the related statements,
  - (c) the packets of counterfoils, and
  - (d) the special polling lists,
- endorsing on each packet a description of its contents and the date of the election to which they relate.
- (2) Rules 55(2) to (4) and 59 of the parliamentary elections rules apply for the purposes of this paragraph.

### PART III

#### MODIFICATIONS OF PARLIAMENTARY ELECTIONS RULES

- 8 Subject to the rules in Part II of this Schedule, the parliamentary elections rules shall have effect in relation to special polling stations so far as applicable to them, but subject to the modifications made by this Part of this Schedule.
- 9 References to the election shall in the case of a general election or two or more by-elections be read as references to the elections in all the constituencies concerned in Northern Ireland and references to candidates at the election shall be construed accordingly.
- 10 References to a candidate's polling agent appointed to attend at a polling station shall be read as references to an observer assigned to that station.
- 11 References to the register of parliamentary electors for an election shall be read as references to the special polling list for that election.
- 12 Rule 5(2) shall apply to applications to vote at a special polling station and to other applications and notices about voting at such stations.
- 13 Rule 20(2) and (3) shall not apply.
- 14 Rules 23, 24 and 25(1) to (4) shall not apply.
- 15 Rules 28 and 29(3)(c) and (d) shall not apply.
- 16 Rule 30(1) to (9) shall not apply.
- 17 Rule 31 shall have effect as if—
- (a) the reference to counting the votes were a reference to counting the ballot papers under this Schedule, and
  - (b) references to provisions of section 66 of the principal Act were references to those provisions as they have effect by virtue of paragraph 27 below.
- 18 In rule 32—
- (a) paragraph (1)(a) and (e), and
  - (b) paragraphs (2), (3) and (4),
- shall not apply and the presiding officer shall not admit a person to a special polling station as observer except on production of his appointment.
- 19 Rule 35(1) shall have effect as if the question that may be put under sub-paragraph (a)(i) were—" Are you the person shown in the special polling list for this election as follows? " (*read the whole entry from the list.*)
- 20 Rule 36(1) shall have effect as if the reference to a candidate or his election agent were omitted.
- 21 Rule 39 shall not apply.
- 22 Rule 40(1) shall apply as if, for sub-paragraphs (a) and (b), there were substituted a reference to a particular elector named in the special polling list.
- 23 Rules 44 and 45 shall not apply.



## PART IV

### MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACTS

- 24 The Representation of the People Acts shall have effect as if the functions of the electoral officer under this Schedule were—
- (a) in the case of functions under paragraph 1(2) and (4) above, functions as registration officer, and
  - (b) in any other case, functions as returning officer.
- 25 The reference in section 53(1)(c) of the principal Act to voting by post or proxy includes a reference to voting at a special polling station.
- 26 Section 65(3) of the principal Act shall have effect as if the reference to counting the votes included a reference to counting the ballot papers under this Schedule.
- 27 Section 66 of the principal Act shall have effect as if—
- (a) the duty imposed by subsection (1) were imposed also on observers.
  - (b) the reference to the register of electors included a reference to the special polling list, and
  - (c) references to the counting of the votes included a reference to counting the ballot papers under this Schedule.
- 28 Paragraph 5A of Schedule 2 to the principal Act shall apply to applications under paragraph 1 above.
- 29 The second reference in section 5(5) of this Act to a polling station does not include a reference to a special polling station.
- 30 The references in section 12(3) of this Act to section 7 of this Act include a reference to paragraph 1 above.

## SCHEDULE 2

Section 11.

### MANNER OF VOTING

## PART I

### CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

- 1 In section 56 (registration appeals: England and Wales) in subsection (1)(b), for the words " be treated as an absent voter " there shall be substituted the words " vote by proxy or by post as elector".
- 2 In section 61 (voting offences)—
- (a) in subsection (1)(a) for the words from " be treated " to the end there shall be substituted the words " 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) in subsection (1)(b) for the words from "parliamentary" to the end there shall be substituted the words " any parliamentary or local government election or at parliamentary or local government elections knowing that he

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

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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) in subsection (1)(c) the words " or applies to vote by post" shall cease to have effect;
- (d) in subsection (2)(d) the words " not being a service voter " shall cease to have effect, after the word " elections " there shall be inserted the words " in any constituency " and after the word " force " and the words " an appointment" there shall be inserted the words " in respect of that or another constituency " ;
- (e) subsection (3)(c) shall cease to have effect; and
- (f) in subsection (4) after the word " constituency " there shall be inserted the words " or at a local government election in any electoral area".

3 In section 202 (interpretation)—

- (a) before the definition of " Attorney General" there shall be inserted the following definition—  
“the absent voters list' means, in relation to any election, the list kept under section 7 of the Representation of the People Act 1985 for that election”; and
- (b) after the definition of " legal incapacity " there shall be inserted the following definition—  
“the list of proxies' has, in relation to any election, the meaning given by section 7 of the Representation of the People Act 1985”.

4 In Schedule 1 in rule 5(2)(a) (notice of election to specify time for applying for an absent vote) for the words from "be" to " voter " there shall be substituted the words " vote by post or by proxy".

5 In Schedule 1 in rule 24 (postal ballot papers) for the words " provided by them for the purpose " there shall be substituted the words " shown in the absent voters list".

6 In Schedule 1 in rule 28 (issue of poll cards) in paragraph (1)(b) for the words from "his application" to the end there shall be substituted the words " he is entitled to vote by post as proxy at the election".

7 In Schedule 1 in rule 40 (tendered ballot papers) in paragraph (1)(b) the words "named in the list of persons " shall cease to have effect.

8 In Schedule 2 (regulations as to registration) paragraph 5(4) shall cease to have effect and at the end of that paragraph there shall be inserted—

- “5A
- (1) Provision requiring applications under section 6 or 7 of the Representation of the People Act 1985 to be attested and limiting the number of such applications that a person may attest.
  - (2) Provision requiring a person applying under section 7 of the Representation of the People Act 1985 to do so in person, producing a document of a prescribed description.
  - (3) Provision as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, in connection with a person's application to vote by proxy or to vote by post as elector or as proxy.
  - (4) Provision authorising or requiring registration officers—
    - (a) to make inquiries of persons included in the record kept under section 6(3) of the Representation of the People Act 1985 for

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- the purpose of determining whether there has been a material change of circumstances, and
- (b) to treat failure to respond to such inquiries as sufficient evidence of such a change.”

## PART II

### TRANSITIONAL PROVISION FOR ABSENT VOTERS

- 9 (1) In relation to any person who, immediately before the commencement date, was entitled, in pursuance Of an application or applications to be treated as an absent voter for an indefinite period, to vote by post or by proxy at parliamentary elections, local government elections or both, sections 6 to 9 of this Act shall have effect—
- (a) as if an application by him under section 6 of this Act so to vote at elections of the kind or kinds in question had been granted on that date,
  - (b) where, immediately before that date, an appointment of a person to vote for him as proxy at parliamentary elections or at parliamentary and local government elections was in force, as if the appointment had been made under section 8 of this Act on that date in respect of elections of the kind or kinds in question, and
  - (c) where the application treated as granted by virtue of paragraph (a) above is an application to vote by post, as if he had specified in the application as the address to which his ballot paper is to be sent the address provided by him for the purpose under section 19 of the principal Act.
- (2) Sub-paragraph (1) above does not apply to a person who applied to be treated as an absent voter by virtue of section 19(1)(e) of the principal Act.
- 10 In relation to any person who, immediately before the commencement date, was entitled to vote by proxy at any election by virtue of section 19(2) or 32(2) of the principal Act or would have been so entitled but for an application to vote by post under section 19(4), sections 6 to 9 of this Act shall have effect—
- (a) as if an application by him under section 6 of this Act to vote by proxy at both parliamentary and local government elections or, as the case may be, at local government elections had been granted on that date, and
  - (b) where, immediately before that date, an appointment of a person to vote for him as proxy at parliamentary elections, local government elections or both was in force, as if the appointment had been made under section 8 of this Act on that date in respect of elections of the kind or kinds in question.
- 11 (1) Where an appointment of a person to vote as proxy for another at parliamentary elections, local government elections or both is treated by virtue of paragraph 9 or 10 above as made under section 8 of this Act and immediately before the commencement date the proxy was entitled, in pursuance of an application or applications for an indefinite period, so to vote by post at elections! of the kind or kinds in question, section 9 of this Act shall have effect-
- (a) where the proxy's application or applications were based on his entitlement as elector to vote by post, as if an application by him under section 9(4)(a) of this Act to vote by post as proxy at elections of the kind or kinds in question had been granted on that date, and
  - (b) where the proxy's application was based on the situation of the address to which his ballot paper was to be sent, as if an application by him under

section 9(4)(b) of this Act to vote by post as proxy at parliamentary elections had been granted on that date.

12 In this Part of this Schedule—

"commencement date" means the date of commencement of sections 5 to 9 of this Act; and

"local government election" has the same meaning as in those sections; but this Part of this Schedule shall have effect, in relation to a person who, immediately before the commencement date, is entitled to vote by post as elector or as proxy at local government elections other than elections of parish or community councillors, as if he were then entitled so to vote at all local government elections.

### PART III

#### VOTING AT MUNICIPAL ELECTIONS IN THE CITY

13 (1) The City of London (Various Powers) Act 1957 shall be amended as follows.

(2) In section 8(1), the words from "section 32" to "(proxies at local government elections)" shall be omitted.

(3) For section 8(2) and (3) there shall be substituted—

“(2) Subject as hereinafter provided, sections 5 to 9 and 12(3) and (4) of the Representation of the People Act 1985 shall apply to and in respect of ward elections, but as if any reference to the polling station allotted or likely to be allotted to any person under rules made (or having effect as if made) under section 36 of the Representation of the People Act 1983 were a reference to the polling station provided or likely to be provided by the returning officer.”.

(4) In section 8(4) after the words "Act of 1983" there shall be inserted the words or the Act of 1985" and after the words "subsection (1)" (where they first appear) there shall be inserted the words "or (2)".

(5) In section 8(5) after the words "Act of 1983" there shall be inserted the words or the Act of 1985" and after the words "subsection (1)" there shall be inserted the words "or (2)".

### SCHEDULE 3

Section 23.

#### PENALTIES

1 In section 62(1) (offences as to declarations) for the words from "except in" onwards there shall be substituted the words "on summary conviction to a fine not exceeding level 5 on the standard scale".

2 In section 65 (tampering with nomination papers, ballot papers etc.) for subsections (3) to (5) there shall be substituted—

“(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—

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- (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.”.
- 3 In section 66 (requirement of secrecy) in subsection (6) after the words " on summary conviction " there shall be inserted the words " to a fine not exceeding level 5 on the standard scale or".
- 4 In section 99 (officials not to act for candidates) for subsection (2) there shall be substituted.—
  - “(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.
- 5 In section 100 (illegal canvassing by police officers) in subsec-section (2) for the words from; "on summary conviction " to " but" there shall be substituted the words " on summary conviction to a fine not exceeding level 3 on the standard scale, but".
- 6 In section 110 (printer's name and address on election publications) in subsection (3) for the words from " liable " to the end of the first sentence there shall be substituted the words " liable to a fine not exceeding level 5 on the standard scale".
- 7 In section 149 (penalty for corrupt withdrawal and breach of section 148) for the words from " liable " onwards there shall be substituted the words “liable—
  - (i) on conviction on indictment, to imprisonment for a term not exceeding one year, or to a fine, or to both ;
  - (ii) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both”.
- 8 In section 168 (prosecutions for corrupt practices) for subsections (1) to (4) there shall be substituted—
  - “(1) A person who is guilty of a corrupt practice shall be liable—
    - (a) on conviction on indictment—
      - (i) in the case of a corrupt practice under section 60 above, to imprisonment for a term not exceeding two years, or to a fine, or to both,
      - (ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both;
    - (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.”.
- 9 In section 169 (prosecutions for illegal practices) for the words from " liable " to " and " there shall be substituted the words " liable to a fine not exceeding level 5 on the standard scale ; and".

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- 10 In section 175 (illegal payments etc.) in subsection (1) for the words from " liable " to " and " there shall be substituted the words " liable to a fine not exceeding level 5 on the standard scale ; and".
- 11 In Schedule 2, in paragraph 13(1) (power for regulations as to registration to contain provisions imposing pecuniary penalties) for the words from " penalties " to " offence)" there shall be substituted the words " penalties (not exceeding level 3 on the standard scale for any offence)".

## SCHEDULE 4

Section 24.

### MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

#### *Part I (parliamentary and local government franchise and its exercise)*

- 1 In section 3(1) (disfranchisement of person detained in penal institution in pursuance of sentence) after the word " sentence" there shall be inserted the words " or unlawfully at large when he would otherwise be so detained".
- 2 For subsections (2) and (3) of section 11 (correction of registers) there shall be substituted—
- “(2) Where in a case in which paragraph (a) of subsection (1) above does not apply—
- (a) a claim is duly made that any person whose name is not included in a register of electors as published is entitled to be registered in that register, and
- (b) having duly disposed of the claim, the registration officer is satisfied that the person in respect of whom the claim is made is entitled to be so registered,
- the registration officer shall make the necessary correction in the register.
- (3) An alteration made in a register of electors after the last day on which nomination papers nominating candidates at an election may be delivered to the returning officer shall not have effect for the purposes of that election.”.
- 3 In section 15(7) (cancellation of service declarations), for the words from " if " to the end there shall be substituted the words " unless the declarations are made with reference to different qualifying dates".
- 4 (1) In section 18 (polling districts and places at parliamentary elections) in subsection (2)
- (a) at the end of paragraph (a) there shall be inserted the words " 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"; and
- (b) in paragraph (b) the words " in the case of a county constituency " shall cease to have effect.
- (2) In subsection (3) of that section at the end of paragraph (a) there shall be inserted the words " and, in particular, he shall, so far as is reasonable and practicable, designate as polling places only places which are accessible to electors who are disabled".

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- (3) In subsection (6) of that section (report of boundaries of polling districts and places to be sent to Secretary of State) paragraph (b) and the word " and " immediately preceding it shall cease to have effect.
- (4) In subsection (7) of that section (polling districts and polling places in Northern Ireland to be those established under law relating to election of members of Northern Ireland Assembly) for the words " the election of members to serve in the Northern Ireland Assembly " there shall be substituted the words " local elections within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962".
- 5 At the end of section 26 (returning officer: Northern Ireland) there shall be inserted the following subsection—
- “(2) Sections 14(5) and 14A(2) and (3) of the 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.”.
- 6 In section 28 (discharge of returning officer's functions in England and Wales)—
- (a) in subsection (1)(b) after the word " made" there shall be inserted the words " by statutory instrument"; and
- (b) in subsection (5) for the words from " but" onwards there shall be substituted the words " and a district council or London borough council may assign officers to assist in carrying out all or any of those duties.".
- 7 Section 38 (nominations and candidate's death in local election in England and Wales) shall cease to have effect.
- 8 Subsection (8) of section 39 (two copies of every order by a district council under that section to be sent to the Secretary of State) shall cease to have effect.
- 9 Section 44 (candidate's death in local election in Scotland) shall cease to have effect.
- 10 In section 49 (effect of registers) subsections (1)(d) and (2)(c) shall cease to have effect.
- 11 Section 51 (corrupt and illegal practices lists) shall cease to have effect.
- 12 In section 52 (discharge of registration duties)—
- (a) in subsection (1) for the words " registration duties " there shall be substituted the words " functions under this Act " ;
- (b) in subsection (2) the words " by the Secretary of State or, in Scotland " shall cease to have effect;
- (c) in subsection (3) after " by", in the second place where it occurs, there shall be inserted the words " or with respect to"; and
- (d) for subsections (4) and (5) there shall be substituted—
- “(4) It shall be the duty—
- (a) in England and Wales, of a district council or London borough council, and
- (b) in Scotland, of the council of a region or islands area,
- 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 Electoral Law Act

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(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.”.

- 13 In section 53 (power to make regulations as to registration etc.)—
- (a) in subsection (1)(b) after the word " publication " there shall be inserted the words " (including provision for electors lists which have been published in the form of a draft register to take effect with any necessary amendments as the register and provision with respect to the time at which the register is to be treated as being published in such a case)"; and
  - (b) in subsection (3) for the words " subsections (1) and (2) " there shall be substituted the words subsection (1) and for the words " those subsections " there shall be substituted the words " that subsection".
- 14 In section 54 (payment of expenses of registration)—
- (a) in subsection (1) for the words "registration duties" there shall be substituted the words " functions under this Act"; and
  - (b) in subsection (3) for the words from " or " to " expenses " there shall be substituted the words " paid to the registration officer under this Act".
- 15 Section 55 (ascertainment of amount of registration expenses) shall cease to have effect.
- 16 In section 56 (registration appeals: England and Wales)—
- (a) subsection (1)(c) shall cease to have effect; and
  - (b) after subsection (4) there shall be inserted—
- “(4A) Where, as a result of the decision on an appeal, an alteration in the register is made under subsection (4) above on or before the last day on which nomination papers nominating candidates at an election may be delivered to the returning officer, subsection (3) above does not apply to that appeal as respects that election.”.
- 17 In section 58 (registration appeals: Northern Ireland)—
- (a) for the words "subsections (2) and (4)" there shall be substituted the words " subsection (2) and the words from the beginning to ' and ' in subsection (4)"; and
  - (b) for the words " electors for elections of members to sit in the Northern Ireland Assembly " there shall be substituted the words " local electors within the meaning of section 130 of the Electoral Law Act (Northern Ireland) 1962".
- 18 In section 62(1)(b)(ii) (offences as to declarations) for " 15 " there shall be substituted " 16".
- 19 For section 63 (breach of official duty in parliamentary elections) and section 64 (breach of official duty in local elections) there shall be substituted—

**“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.



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- (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 sheriff clerk, registration officer, returning officer or presiding officer,
  - (c) any other person whose duty it is to be responsible after a local government election for the used ballot papers and other documents (including returns and declarations as to expenses),
  - (d) any postmaster, and
  - (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.”.

*Part II (the election campaign)*

- 20 In subsection (4) of section 67 (appointment of election agent) after the word " appointment" there shall be inserted the words " (or deemed appointment)".
- 21 In subsection (3) of section 68 (nomination of sub-agent at parliamentary elections) for the words " One clear day " there shall be substituted the words " Not later than the second day".
- 22 In subsection (1)(a) of section 69 (office of election agent and sub-agent) after the word " agent" there shall be inserted the words " is declared to him".
- 23 In section 70 (effect of default in election agent's appointment) there shall be inserted after subsection (3)—
- “(3A) The deemed appointment of a candidate as his own election agent may be revoked as if it were an actual appointment.”.
- 24 In section 75 (prohibition of expenses not authorised by election agent)—
- (a) in subsection (2)(a) for the words " within 14 days after the date of publication of the result of the election send " there shall be substituted the words " within 21 days after the day on which the result of the election is declared deliver " ;
  - (b) in subsection (4) for the words "14 days after the date of the publication of the result of the election " there shall be substituted the words " 21 days after the day on which the result of the election is declared"; and
  - (c) in subsection (5) after the words " fails to " there shall be inserted the words " deliver or".
- 25 Section 76(3) (power to vary maximum amount of candidates' election expenses) shall cease to have effect.

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- 26 In section 78(1) (claims for election expenses which are not sent to the election agent within 14 days after the declaration of the election result to be barred) and in sections 78(4), 79(1) and 79(4) (which refer to that period) for the words " 14 days " there shall be substituted the words " 21 days".
- 27 In section 81 (return as to election expenses)—
- (a) in subsections (1) and (5) for the word " transmit" there shall be substituted the word " deliver"; and
  - (b) in subsection (5) for the word " transmitted " there shall be substituted the word " delivered".
- 28 In section 82 (declaration as to election expenses)—
- (a) in subsections (1) and (3) for the word " transmitted ", in each place where it occurs, there shall be substituted the word " delivered"; and
  - (b) in subsection (2) for the words " transmits" and " transmit or cause to be transmitted " there shall be substituted respectively the words " delivers " and " deliver ".
- 29 In section 85 (penalty for sitting or voting where no return and declarations transmitted)—
- (a) in subsection (1) for the word " transmitted ", in both places where it occurs, and for the word " transmit" there shall be substituted respectively the words " delivered " and "deliver "; and
  - (b) for subsection (3) there shall be substituted—
 

“(3) Civil proceedings for a penalty under this section shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.”.
- 30 In section 86 (authorised excuses for failures as to return and declarations)—
- (a) after subsection (1) there shall be inserted—
 

“(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.”; and
  - (b) in subsection (2) for the word "transmit", in each place where it occurs, there shall be substituted the word " deliver".
- 31 In section 87 (court's power to require information from election agent or sub-agent) in subsection (3) (under which the court may order a person who fails to comply with an order of the court under the section to pay a fine not exceeding £500) for " £500 " there shall be substituted " the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale".
- 32 In section 88 (publication of time and place for inspection of returns and declarations) in paragraph (a) for the word "transmitting " there shall be substituted the word " delivering".
- 33 In section 89 (inspection of returns and declarations) for the word " sent", in both places where it occurs, and the word " sending " there shall be substituted respectively the words " delivered " and " delivering ".

34 For subsection (1) of section 91 (candidate's right to send election address post free) there shall be substituted—

“(1) A candidate at a parliamentary election is, subject to Post Office regulations, entitled to send free of charge for postage either—

(a) one unaddressed postal communication, containing matter relating to the election only and not exceeding 60 grammes in weight, to each place in the constituency which, in accordance with those regulations, constitutes a delivery point for the purposes of this subsection ; or

(b) one such postal communication addressed to each elector.”.

35 In section 93(2)(b) (period when local government election deemed to be pending for purposes of broadcasting during elections) for the words following " beginning " there shall be substituted the words " with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above".

36 (1) In section 94 (imitation poll cards) after the words "parliamentary election" there shall be inserted the words " or a local government election to which this section applies".

(2) At the end of that section there shall be inserted—

“(2) This section applies to any local government election in relation to which rules made under section 36 or, in Scotland, section 42 above require an official poll card to be sent to electors in a form prescribed by the rules.”.

37 In section 95 (schools and rooms for parliamentary election meetings)—

(a) in subsection (1)—

(i) after the word "use" there shall be inserted the words " free of charge " ;

(ii) after the word " and " there shall be inserted the words " the day preceding"; and

(b) in paragraph (a) of subsection (4) for the words from the beginning to " expenses" there shall be substituted the words " shall defray any expenses".

38 For section 96 (schools and rooms for local election meetings) there shall be substituted—

**“96 Schools and rooms for local election meetings.**

(1) Subject to the provisions of this section, a candidate at a local government election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use free of charge at reasonable times between the last day on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above and the day preceding the day of election of—

(a) a suitable room in the premises of a school to which this section applies ; or

(b) a meeting room to which this section applies.

(2) This section applies—

(a) in England and Wales, to a county or voluntary school situated in the electoral area for which the candidate is standing (or, if there

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is no such school in the area, in any such school in an adjacent electoral area) or in a parish or community, as the case may be, in part comprised in that electoral area; and

- (b) in Scotland, to any school (not being an independent school within the meaning of the Education (Scotland) Act 1980) situated in the electoral area for which the candidate is standing (or, if there is no such school in the area, in any such school in an adjacent electoral area).

(3) This section applies—

- (a) in England and Wales, to any meeting room situated in the electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area, the expense of maintaining which is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so- payable;
- (b) in Scotland, to any meeting room the expense of maintaining which is payable by the council of a region, islands area or district.

(4) Subsections (4), (5) and (7) of section 95 above and paragraph 1(1) of Schedule 5 to this Act shall apply for the purposes of this section as they apply for the purposes of that section, and any person stating himself to be, or to be authorised by, a candidate at a local government election in respect of an electoral area which falls (or partly falls) within a constituency, or his election agent, shall be entitled to inspect the lists prepared under Schedule 5 to this Act in relation to the constituency or a copy of them: at all reasonable hours during the period beginning with the day on which notice of the election is published and ending with the day preceding the day of election.”.

39 In section 97 (disturbances at election meetings) in subsection (2)(b) (section to apply to meetings held on, or within three weeks before, the day of election) for the words " on, or within three weeks before " there shall be substituted the words " in the period beginning with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above and ending with".

40 Section 103(2) (which exempts carriages used only for the conveyance of electors to or from polls from duty etc.) shall cease to have effect.

41 In section 106 (false statements as to candidates) subsection (4) (which disappplies that section in relation to elections of councillors in Scotland) shall cease to have effect.

42 In section 108 (premises not to be used as committee rooms)—

- (a) subsection (3) (application of section to licensed premises and premises where refreshments sold for consumption on premises); and
- (b) in subsection (4) the word " also ",

shall cease to have effect.

43 In section 118 (interpretation of Part II) in the definition of " return as to election expenses " for the word " transmitted " there shall be substituted the word " delivered".

*Part III (legal proceedings)*

- 44 In section 122 (time for presentation or amendment of parliamentary election petition) in subsection (4) for the word "transmitting " there shall be substituted the word "delivering".
- 45 In section 124 (judges' expenses and reception: England and Wales and Northern Ireland) in paragraph (a) the words "receiving the judges and " and paragraph (b) shall cease to have effect.
- 46 In section 125 (judges' expenses and reception: Scotland) paragraph (a) shall cease to have effect.
- 47 In section 126(3) (expenses of shorthand writers) for the words "in receiving the judges" there shall be substituted the words "under section 125 above".
- 48 In section 136 (security for costs)—
- (a) in subsection (2)(a) (parliamentary elections) for "£1,000 " there shall be substituted "such amount not exceeding £5,000 as the High Court or a judge of the High Court, on summons, directs " ;
  - (b) in subsection (2)(b) (local government elections) for "£500 " there shall be substituted "£2,500 " ;
  - (c) in subsection (2)(i)—
    - (i) at the beginning there shall be inserted the words "the amount mentioned in paragraph (a) above shall be such amount not exceeding £5,000 as the Court of Session or a judge of the Court of Session directs and"; and
    - (ii) for "£500 " there shall be substituted "£2,500 " ;
  - (d) for subsection (3) there shall be substituted—

“(3) Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

    - (a) a notice of the presentation of the petition and of the amount and nature of the security, and
    - (b) a copy of the petition.”; and
  - (e) the following provisions shall cease to have effect—
    - (i) in subsection (4) the words "not exceeding five days after service of the notice " ;
    - (ii) subsection (5);
    - (iii) in subsection (7) the words "not exceeding five days".
- 49 In section 140 (witnesses)—
- (a) subsection (5) (duty of Director of Public Prosecutions to obey the election court's directions concerning the summoning and examination of witnesses) shall cease to have effect; and
  - (b) in subsection (7)—
    - (i) for the words "Subsections (5) and (6) above do " there shall be substituted the words "Subsection (6) above does " ;
    - (ii) for the word "shall", where it first occurs, there shall be substituted the words "may, if the Lord Advocate so decides, and shall, if the election court so requests"; and
    - (iii) the words from "and shall give " to the end of the subsection shall cease to have effect

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- 50 Sections 141(3) and (4) and 142 (certificates of indemnity given to witnesses by election court) shall cease to have effect.
- 51 In section 156 (costs of election petition)—
- (a) in subsection (1) for the words from "the court" onwards there shall be substituted the words " the court may, subject to the provisions of subsection (5) below, make such order with respect to the whole or part of the costs of the petition as is mentioned in that subsection"; and
  - (b) subsections (2) to (4) (payment of costs by constituency or local authority in certain circumstances) shall cease to have effect
- 52 In section 160 (persons reported personally guilty of corrupt or illegal practices)—
- (a) subsection (2) (duty of Director of Public Prosecutions to obey the election court's directions concerning person to whom notices are given under section 160(1)) shall cease to have effect; and
  - (b) for subsection (3) there shall be substituted—
 

“(3) The report shall be laid before the Director of Public Prosecutions.”.
- 53 In section 161 (justice of the peace)—
- (a) for the words "it is the duty of the Director of Public Prosecutions to " there shall be substituted the words " the court shall"; and
  - (b) after the words "Lord Chancellor" there shall be inserted the words " or, in the case of a justice of the peace for any area in Scotland, the Secretary of State".
- 54 In section 162 (member of legal and certain other professions)—
- (a) in paragraph (a) for the words " it is the duty of the Director of Public Prosecutions to " there shall be substituted the words " the court shall"; and
  - (b) after the words " Inn of Court ", in both places where they occur, there shall be inserted the words " Faculty of Advocates".
- 55 In subsection (1)(b) of section 163 (holder of licence or certificate under Licensing Acts) for the words "it is the duty of the Director of Public Prosecutions to " there shall be substituted the words " the court shall".
- 56 In section 167 (applications for relief) after subsection (1) there shall be inserted—
- “(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or representative may attend the hearing of the application and make representations at the hearing in respect of it.”.
- 57 In section 168 (prosecutions for corrupt practices) subsections (5) and (6) (evidence of at least two credible witnesses required in cases of personation) shall cease to have effect.
- 58 Section 171 (prosecution of election petition offences in England and Wales and Northern Ireland) shall cease to have effect.
- 59 Section 172 (prosecution of election petition offences in Scotland) shall cease to have effect.
- 60 In section 173(a) (incapacities which arise on conviction of a corrupt practice on indictment) the words " on indictment" shall cease to have effect.
- 61 In section 176 (time limit for prosecutions)—

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- (a) in subsection (1) for the words " any offence to which this section applies " there shall be substituted the words " any offence under any provision contained in or made under this Act " ;
- (b) for subsection (2) there shall be substituted—

“(2) For the purposes of this section—

- (a) in England and Wales, the laying of an information;
  - (b) in Scotland, the granting of a warrant to apprehend or cite the accused (if, in relation to an offence alleged to have been committed within the United Kingdom, such warrant is executed without delay); and
  - (c) in Northern Ireland, the making of a complaint,
- shall be deemed to be the commencement of a proceeding.”; and
- (c) subsection (3) shall cease to have effect.

62 For section 178 (prosecution of offences committed outside United Kingdom) there shall be substituted—

**“178 Prosecution of offences committed outside the United Kingdom.**

Proceedings in respect of an offence under this Act alleged to have been committed outside the United Kingdom by a Commonwealth citizen or citizen of the Republic of Ireland may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.”.

63 In section 181—

- (a) in subsection (1) (duty of Director of Public Prosecutions to investigate and bring proceedings where any corrupt or illegal practice has occurred) for the words from " corrupt " to " election " there shall be substituted the words " offence under this Act has been committed " ;
- (b) in subsection (2) (duty of Director of Public Prosecutions or his assistant or representative to attend the trial of every election petition) for the word " shall " there shall be substituted the words " may and, if the election court so requests him, shall "; and
- (c) in subsection (3) (power of the Director to nominate a barrister or solicitor to be his representative) the words " with the Attorney General's approval ", " of not less than ten years standing " and " and that representative shall receive such remuneration as the Treasury may approve " shall cease to have effect.

*Part IV (special provisions as to certain local elections)*

64 In section 187 (application of Act to certain local elections)—

- (a) in subsection (1) the word " district ", in both places where it occurs, shall cease to have effect; and
- (b) in subsection (2) for " 64 " there shall be substituted " 63 ".

65 Section 190 (voting offences at election of councillors in Scotland) shall cease to have effect.

66 In section 191 (municipal elections in the City) in subsection (1) for " 192 ". in both places where it occurs, there shall be substituted " 193 ".

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

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- 67 In section 197 (candidate's expenses: ward, and liverymen in common hall, elections)—
- (a) in subsection (2) (maximum amount of expenses at an election by liverymen in common hall to be £900) for " £900 " there shall be substituted "15p for every elector on the common hall register to be used at the "election and at the end there shall be added the words " and in this subsection 'common hall register' means the list prepared under section 4 of the City of London Ballot Act 1887"; and
  - (b) in subsection (3) of that section (power to vary by order amounts mentioned in subsections (1) and (2) of the section where change in value of money since last occasion amount varied by order) for the words " varied by such an order " there shall be substituted the words " fixed (whether by such an order or otherwise)".

*Part V (general and supplemental)*

- 68 For subsection (1) of section 200 (public notices) there shall be substituted—
- “(1) A public notice required by or under this Act to be given by a returning officer for a parliamentary election shall be given by posting the notice in some conspicuous place or places in the constituency and may also be given in such other manner as he thinks desirable for publicising it.
- (1A) A public notice required by or under this Act to be given by the proper officer of a local authority at a local government election shall be given by posting the notice in some conspicuous place or places in the local government area and may also be given in such other manner as he thinks desirable for publicising it”.
- 69 For subsection (2) of section 201 (regulations) there shall be substituted—
- “(2) No regulations shall be made under this Act by the Secretary of State otherwise than under section 203(4) below unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament”.
- 70 In section 202 (interpretation) the definition of "registration duties" shall cease to have effect.
- 71 In section 203 (local government provisions as to England and Wales)—
- (a) in subsection (1) for the definition of " electoral area " there shall be substituted—
 

“' electoral area ' means any electoral division or ward or, in the case of a parish or community in which there are no wards, the parish or community, for which the election of councillors is held under the local government Act”; and
  - (b) in subsection (4) in paragraph (a) at the beginning there shall be inserted the words " the council shall appoint an officer of the council to be registration officer for the isles and " and the words from " and any " to " officer " shall cease to have effect.
- 72 In section 205 (general application to Northern Ireland) for paragraph (a) of subsection (1) there shall be substituted—
- “(a) a reference to the Attorney General refers to the Attorney General for Northern Ireland ;



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- (aa) a reference to the Director of Public Prosecutions refers to the Director of Public Prosecutions for Northern Ireland ;”.

*Schedule 1 (parliamentary elections rules)*

- 73 In Schedule 1 in rule 1 (timetable)—  
    (a) in the second column of the entry relating to polling (general elections) for the word " tenth " there shall be substituted the word " eleventh"; and  
    (b) in the third column of that entry (by-elections) for the words " eighth " and " tenth " there shall be substituted respectively the words " ninth " and " eleventh ".
- 74 In Schedule 1 in rule 5—  
    (a) in paragraph (1) (publication of notice of election in the form in the Appendix) the words " in the form in the Appendix ", and  
    (b) paragraph (3) (registration officer to give additional notice of certain matters),  
shall cease to have effect.
- 75 In Schedule 1 at the end of rule 9 (deposit) there shall be added—  
    “(3) Where the deposit is made on behalf of the candidate, the person making the deposit shall at the time he makes it give his name and address to the returning officer (unless they have previously been given to him under section 67 of this Act or rule 6(1) above).”.
- 76 In Schedule 1 in rule 19(2)(d) (under which the counterfoil to the ballot paper is to have the same number printed on the face as is printed on the ballot paper) for the words " on the face " there shall be substituted the words " on it".
- 77 In Schedule 1 in rule 23 (notice of the poll)—  
    (a) in paragraph (2), paragraph (c) and the word " and" immediately preceding it shall cease to have effect and at the end there shall be inserted the words " and he shall as soon as practicable after giving such a notice give a copy of it to each of the election agents"; and  
    (b) paragraph (3) shall cease to have effect.
- 78 In Schedule 1 in rule 24 (returning officer to send out postal ballot papers as soon as practicable) after the word "practicable" there shall be inserted the words " and in no event later than any date which may be prescribed as the last date for the purpose".
- 79 In Schedule 1 in rule 29(5) (alternative forms of notice to be exhibited in compartments at polling stations) for the words from " a notice" onwards there shall be substituted the words " the notice 'Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.'".
- 80 In Schedule 1 for rule 31 there shall be substituted—

*“Notification of requirement of secrecy*

- 31 The returning officer shall make such arrangements as he thinks fit to ensure that—  
    (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the

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- provisions of subsections (1), (3) and (6) of section 66 of this Act; and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of subsections (2) and (6) of that section.”.
- 81 In Schedule 1 in rule 37(1)(b) for the words "name and description " there shall be substituted the words " and name".
- 82 In Schedule 1 in rule 45 (the count) for paragraph (1) there shall be substituted—
- “(1) The returning officer shall—
- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the election agents verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (1A) The returning officer shall not count the votes given on any ballot papers until—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.”.
- 83 In Schedule 1 in rule 53—
- (a) in paragraph (2) (return of deposit) for the words " as soon as practicable after" there shall be substituted the words " not later than the next day after that on which " ;
- (b) after that paragraph there shall be inserted—
- “(2A) For the purposes of paragraph (2) above—
- (a) a day shall be disregarded if it would be disregarded under rule 2 above in computing any period of time for the purposes of the timetable for an election of the kind in question ; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.”.
- 84 In Schedule 1 in the Appendix of forms the form of the front of a ballot paper shall be amended by the insertion at the top of the words " VOTE FOR ONE CANDIDATE ONLY " in large capitals.
- 85 In Schedule 1 in the Appendix of forms in the directions as to printing the ballot paper—
- (a) in paragraph 2(a), after the word " except" there shall be inserted the words " the direction " VOTE FOR ONE CANDIDATE ONLY " and " ;
- (b) in paragraph 2(b) after the word " except" there shall be inserted the words " the horizontal rule separating the direction mentioned in paragraph (a) above from the particulars of the candidates and " ;

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- (c) in paragraph 2(c) for the words from " the candidates " onwards there shall be substituted the words " the direction mentioned in paragraph (a) above and each of the candidates by the horizontal rules mentioned in paragraph (b) above"; and
- (d) after paragraph 2 there shall be inserted—
  - “2A The direction mentioned in paragraph 2(a) above shall be printed in large capitals.”.

86 In Schedule 1 in the Appendix of forms, for the form of directions for the guidance of the voters in voting there shall be substituted—

*“Form of directions for the guidance of the voters in voting*  
Guidance for Voters

- 1 When you are given a ballot paper make sure it is stamped with the official mark.
- 2 Go to one of the compartments. Mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate you are voting for.
- 3 Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
- 4 Vote for one candidate only. Put no other mark on the ballot paper, or your vote may not be counted.
- 5 If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.”.

*Other Schedules*

87 In Schedule 2 (regulations as to registration)—

- (a) for paragraph 8 there shall be substituted—
  - “8 Provisions requiring the registration officer to prepare a special list of those persons entitled to be registered whose addresses are not required to be shown on the electors lists or of any class of such persons, showing the addresses of the person concerned.”;
- (b) paragraph 9 shall cease to have effect; and
- (c) after paragraph 11 there shall be inserted—
  - “11A (1) Provisions authorising or requiring registration officers who are data users to supply data, or documents containing information extracted from data and in such form as may be prescribed, to such persons as may be prescribed on payment of a prescribed fee.
  - (2) In this paragraph 'data user' and 'data' have the same meanings as in section 1 of the Data Protection Act 1984.”.

88 In Schedule 3 (return and declarations as to election expenses) in paragraph 2 of the Form of Declarations for the word " transmitted " there shall be substituted the word " delivered".

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In Schedule 4 (election expenses at certain local elections in England and Wales)—

(a)

in paragraph 3 for the word " send " there shall be substituted the word " deliver"; and

(b)

in paragraph 4(2) for the words from the beginning to " (b)" there shall be substituted the words—

“(2) Civil proceedings for a penalty under this paragraph shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.

(3) For the purposes of sub-paragraph (2) above”.
- 90

In Schedule 7 (transitional provisions and savings)—

(a)

in paragraph 6 for the words " 76(3)" and " varied " there shall be substituted respectively the words " 76A(1) " and " fixed " ; and

(b)

paragraphs 8 and 9 shall cease to have effect

SCHEDULE 5

Section 28.

REPEALS

Chapter	Short Title	Extent of Repeal
1797 c. 127.	The Meeting of Parliament Act 1797.	Sections 3 to 5.
7 & 8 Geo. 5. c. 64.	The Representation of the People Act 1918.	The whole Act, so far as otherwise unrepealed.
5 & 6 Eliz. 2. c. x.	The City of London (Various Powers) Act 1957.	In section 8(1), the words from " section 32 " to " (proxies at local
1972 c. 70.	The Local Government Act 1972.	In section 243(3), the words " of election or" in the second place where they occur and the words "as the case may be".
1983 c. 2.	The Representation of the People Act 1983.	<div>In section 18, in subsection (2)(b) the words " in the case of a county constituency" and in subsection (6) paragraph (b) and the word "and" immediately preceding it.</div> <div>Sections 19 to 22.</div> <div>Sections 32 to 34.</div> <div>Section 38.</div>

Chapter	Short Title	Extent of Repeal
		<p>Section 39(8).</p> <p>In section 40(1), the words from " In this subsection " onwards.</p> <p>In section 43(2)(b), the words ", or section 44(2)".</p> <p>Section 44.</p> <p>In section 49, subsections (1) (d), (2)(c) and (3).</p> <p>Section 51</p> <p>In section 52(2), the words " by the Secretary of State or, in Scotland ".</p> <p>Section 53(2).</p> <p>Section 55.</p> <p>Section 56(1)(c) and (6).</p> <p>In section 61, in subsection (1)(c) the words " or applies to vote by post", in subsection (2)00 the words " not being a service voter" and subsection (3)(c).</p> <p>Section 76(3).</p> <p>Section 103(2).</p> <p>In section 104(6), the words " except section 103(2) ".</p> <p>Section 106(4).</p> <p>In section 108, subsection (3) and in subsection (4) the word " also ".</p> <p>In section 124, in paragraph (a) the words "receiving the judges and " and paragraph (b).</p> <p>In section 125, paragraph (a).</p> <p>In section 126(3), the words "and Northern Ireland ".</p> <p>In section 136, in subsection (4) the words from "not" to" notice ", subsection (5) and in</p>

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Chapter	Short Title	Extent of Repeal
		<p>subsection (7) the words " not exceeding five days ".</p> <p>In section 140, subsection (5) and in subsection (7) the words from "and shall give" to the end of the subsection.</p> <p>Section 141(3) and (4).</p> <p>Section 142.</p> <p>In section 148(4)(a) the words "(appointed with the Attorney General's approval)".</p> <p>Section 156(2) to (4).</p> <p>Section 160, in subsection (1) the words " and whether " to " indemnity " and subsection (2).</p> <p>In section 161, the words from "whether" to " not".</p> <p>In section 162, the words from " whether " to " not ".</p> <p>In section 163(1)(b), the words from " whether " to " not".</p> <p>Section 168(5) and (6).</p> <p>In section 169, the words from "(including " to " court)".</p> <p>Sections 171 and 172.</p> <p>In section 173(a), the words " on indictment or by an election court".</p> <p>In section 176, in subsection (1) the words from "whether" to "otherwise" and subsection (3).</p> <p>In section 181, in subsection (3) the words from "with" to " approval", from " of not" to "standing" and from " and " onwards and in subsection (6) the words from " so far " to " defendant".</p>

Chapter	Short Title	Extent of Repeal
		<p>In section 187(1), the word "51(2)" and the word "district" in both places where it occurs.</p> <p>Section 190.</p> <p>In section 191(1)(a), the word " 51(2)".</p> <p>Section 192.</p> <p>In section 196, the words " or under section 156(2)".</p> <p>Section 199.</p> <p>In section 202(1), the definition of " registration duties ".</p> <p>In section 203(4)(a), the words from " and any " to " officer ".</p> <p>In Schedule 1, rule 2(3).</p> <p>In Schedule 1, in rule 5, in paragraph (1) the words " in the form in the Appendix" and paragraph (3).</p> <p>In Schedule 1, in rule 23, paragraph (2)(c) and the word " and " immediately preceding it and paragraph (3).</p> <p>In Schedule 1, rule 27.</p> <p>In Schedule 1, in rule 40(1) (b) the words " named in the list of persons ".</p> <p>In Schedule 1, in the Appendix of Forms, the form of notice of election.</p> <p>In Schedule 2, paragraphs 5(4) and 9.</p> <p>In Schedule 7, paragraphs 8 and 9.</p> <p>In Schedule 8, in paragraph 3(a)(ii), the words from " section 32" to "(proxies at local government elections)" and paragraph 3(b) and (c).</p>

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

Chapter	Short Title	Extent of Repeal
<a href="#">1984 c. 60.</a>	The Police and Criminal Evidence Act 1984.	In Schedule 7, in Part I, in column 3 of the entry relating to the Representation of the People Act 1983, the words "In Schedule 1, paragraph 36".