



Representation of the People Act 2000

2000 CHAPTER 2

PART II

CONDUCT OF ELECTIONS

New electoral procedures

10 Pilot schemes for local elections in England and Wales

(1) Where—

- (a) a relevant local authority submit to the Secretary of State proposals for a scheme under this section to apply to particular local government elections held in the authority's area, and
- (b) those proposals are approved by the Secretary of State, either—
 - (i) without modification, or
 - (ii) with such modifications as, after consulting the authority, he considers appropriate,

the Secretary of State shall by order make such provision for and in connection with the implementation of the scheme in relation to those elections as he considers appropriate (which may include provision modifying or disapplying any enactment).

(2) A scheme under this section is a scheme which makes, in relation to local government elections in the area of a relevant local authority, provision differing in any respect from that made under or by virtue of the Representation of the People Acts as regards one or more of the following, namely—

- (a) when, where and how voting at the elections is to take place;
- (b) how the votes cast at the elections are to be counted;
- (c) the sending by candidates of election communications free of charge for postage.

(3) Without prejudice to the generality of the preceding provisions of this section, a scheme under this section may make provision—

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- (a) for voting to take place on more than one day (whether each of those days is designated as a day of the poll or otherwise) and at places other than polling stations,
- (b) for postal charges incurred in respect of the sending of candidates' election communications as mentioned in subsection (2)(c) to be paid by the authority concerned,

and where a scheme makes such provision as is mentioned in paragraph (b), the Secretary of State's order under subsection (1) may make provision for disapplying section 75(1) of the 1983 Act (restriction on third party election expenditure) in relation to the payment of such charges by the authority.

- (4) In subsection (2) the reference to local government elections in the area of a relevant local authority is a reference to such elections—
 - (a) throughout that area, or
 - (b) in any particular part or parts of it,
 as the scheme may provide.
- (5) Where the Secretary of State makes an order under subsection (1)—
 - (a) he shall send a copy of the order to the authority concerned; and
 - (b) that authority shall publish the order in their area in such manner as they think fit.
- (6) Once any elections in relation to which a scheme under this section applied have taken place, the authority concerned shall prepare a report on the scheme.
- (7) The report shall contain—
 - (a) a description of the scheme and of the respects in which the provision made by it differed from that made by or under the Representation of the People Acts;
 - (b) a copy of the order of the Secretary of State under subsection (1); and
 - (c) an assessment of the scheme's success or otherwise in facilitating—
 - (i) voting at the elections in question, and
 - (ii) (if it made provision as respects the counting of votes cast at those elections) the counting of votes,
 or in encouraging voting at the elections in question or enabling voters to make informed decisions at those elections.
- (8) An assessment under subsection (7)(c)(i) shall include a statement by the authority concerned as to whether, in their opinion—
 - (a) the turnout of voters was higher than it would have been if the scheme had not applied;
 - (b) voters found the procedures provided for their assistance by the scheme easy to use;
 - (c) the procedures provided for by the scheme led to any increase in personation or other electoral offences or in any other malpractice in connection with elections;
 - (d) those procedures led to any increase in expenditure, or to any savings, by the authority.
- (9) If the Secretary of State so requests in writing, the report shall also contain an assessment of such other matters relating to the scheme as are specified in his request.
- (10) The authority concerned shall—

- (a) send a copy of the report to the Secretary of State, and
 - (b) publish the report in their area in such manner as they think fit,
- by the end of the period of three months beginning with the date of the declaration of the result of the elections in question.

(11) In this section “relevant local authority” means—

- (a) as respects England—
 - (i) a county council, a district council or a London borough council, or
 - (ii) once established, the Greater London Authority;
- (b) as respects Wales, a county council or a county borough council;

(12) For the purposes of this section proposals falling within subsection (1) and submitted to the Secretary of State before the date on which this Act is passed shall be as effective as those so submitted on or after that date.

11 Revision of procedures in the light of pilot schemes

(1) If it appears to the Secretary of State, in the light of any report made under section 10 on a scheme under that section, that it would be desirable for provision similar to that made by the scheme to apply generally, and on a permanent basis, in relation to—

- (a) local government elections in England and Wales, or
- (b) any particular description of such elections,

he may by order make such provision for and in connection with achieving that result as he considers appropriate (which may include provision modifying or disapplying any provision of an Act, including this Act).

(2) An order under subsection (1)—

- (a) may except from the operation of any of its provisions any local government area specified in the order; but
- (b) subject to that, must make the same provision—
 - (i) in relation to local government elections, or
 - (ii) if it applies only to a particular description of such elections, in relation to elections of that description,throughout England and Wales.

(3) An order under subsection (1) shall be made by statutory instrument; and no such order shall be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

(4) When laying such a draft before either House of Parliament the Secretary of State shall also lay before that House a copy of the report under section 10 of each relevant local authority (within the meaning of that section) in whose area a scheme making provision similar to that made by the order has been implemented.

(5) An order which excepts any local government area as mentioned in subsection (2) shall, if apart from this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.

(6) Rules made under section 36 of the 1983 Act (local elections in England and Wales) may make such provision as the Secretary of State considers appropriate in connection with any provision made by an order under subsection (1).

- (7) Nothing in this section shall be taken as prejudicing the generality of any power contained in any other Act to make subordinate legislation (within the meaning of the Interpretation Act 1978) with respect to elections of any description.

Manner of voting

12 Changes relating to absent voting at elections in Great Britain

- (1) Schedule 4 (which makes provision with respect to the manner of voting at elections, and in particular absent voting) shall have effect, as regards both—
- (a) parliamentary elections, and
 - (b) local government elections,
- in relation to England, Wales and Scotland.
- (2) Sections 5 to 9 of the Representation of the People Act 1985 (which, so far as applying in relation to England, Wales and Scotland, are superseded by the provisions of Schedule 4)—
- (a) shall cease to have effect in relation to those parts of the United Kingdom; and
 - (b) shall accordingly continue to have effect only in relation to Northern Ireland as regards parliamentary elections.
- (3) Where immediately before the commencement of this section any list or record is kept by a registration officer under any provision of the Representation of the People Act 1985 which ceases to have effect in relation to England, Wales or Scotland in accordance with subsection (2)—
- (a) the list or record shall be taken, as from that commencement, to be the list or record required to be kept by him under the corresponding provision of Schedule 4 to this Act; and
 - (b) anything which, immediately before that commencement, is in the process of being done by him in relation to the list or record may be continued in relation to it as the list or record kept under that corresponding provision.

Persons with disabilities

13 Assistance with voting for persons with disabilities

- (1) Schedule 1 to the 1983 Act (the parliamentary elections rules) is amended as follows.
- (2) In rule 29 (equipment of polling stations), after paragraph (3) there shall be inserted—
- “(3A) The returning officer shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
 - (b) a device of such description as may be prescribed for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 39(1)).”
- (3) For rule 39 there shall be substituted—

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“Voting by persons with disabilities

39 (1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or
- (b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(5) The declaration made by the companion—

- (a) shall be in the form in the Appendix; and
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.”

(4) In rules 32(1)(e), 43(1)(f) and 55(1)(c), for “blind voters” (wherever occurring) there shall be substituted “voters with disabilities”.

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- (5) In the Appendix of Forms, in the form of declaration to be made by the companion of a blind voter—
- (a) for “blind person” or “blind voter” (wherever occurring) there shall be substituted “voter with disabilities”; and
 - (b) after the note at the end of the form (which shall become note 1), there shall be inserted—
 - “2 A voter with disabilities is a voter who has made a declaration under the parliamentary elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.”