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## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE ELECTORAL COMMISSION

##### *Status of Commission and their property*

- 1 (1) The Commission shall not be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Commission shall not be regarded as property of, or property held on behalf of, the Crown.

##### *Powers*

- 2 The Commission may do anything (except borrow money) which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.

##### *Term of office etc. of Electoral Commissioners*

- 3 (1) Subject to the provisions of this paragraph, an Electoral Commissioner shall hold office as such Commissioner—
  - (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which an Electoral Commissioner is appointed shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) An Electoral Commissioner shall cease to hold office on the occurrence of any of the following events—
  - (a) he consents to being nominated as a candidate at a relevant election (within the meaning of Part II) or to being included in a registered party's list of candidates at such an election;
  - (b) he takes up any office or employment in or with—
    - (i) a registered party or any accounting unit of such a party,
    - (ii) a recognised third party (within the meaning of Part VI), or
    - (iii) a permitted participant (within the meaning of Part VII);
  - (c) he is named as a donor in the register of donations reported under Chapter III or V of Part IV or in any statement of donations included in a return delivered to the Commission under section 98 or 122;
  - (d) he becomes a member of a registered party.
- (4) An Electoral Commissioner may be removed from office by Her Majesty in pursuance of an Address from the House of Commons.

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- (5) No motion shall be made for such an Address unless the Speaker’s Committee have presented a report to the House of Commons stating that the Committee are satisfied that one or more of the following grounds is made out in the case of the Electoral Commissioner in question—
- (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months;
  - (b) he has failed to comply with the terms of his appointment;
  - (c) he has been convicted of a criminal offence;
  - (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he has not been discharged;
  - (e) he has made an arrangement or composition contract with, or has granted a trust deed for, his creditors;
  - (f) he is otherwise unfit to hold his office or unable to carry out its functions.
- (6) A motion for such an Address shall not be made on the ground mentioned in subparagraph (5)(a) if more than 3 months have elapsed since the end of the period in question.
- (7) An Electoral Commissioner may be relieved of his office by Her Majesty at his own request.
- (8) In this paragraph “registered party” includes, in relation to times before the appointed day for the purposes of Part II of this Act, a party registered under the <sup>M1</sup>Registration of Political Parties Act 1998.

**Marginal Citations**

**M1** 1998 c. 48.

*Term of office etc. of Commission chairman*

- 4 (1) Subject to the provisions of this paragraph, the chairman of the Commission shall hold office as such chairman—
- (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which a person is appointed as chairman of the Commission shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) The chairman of the Commission may be relieved of his office of chairman by Her Majesty at his own request.
- (4) If the chairman of the Commission ceases to be an Electoral Commissioner, he also ceases to be chairman.

*Electoral Commissioners: salary etc.*

- 5 (1) There shall be paid to an Electoral Commissioner such remuneration, and any such allowances or expenses, as may be specified in a resolution of the House of Commons.

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- (2) If a resolution of the House of Commons so provides in the case of any person who is an Electoral Commissioner or former Electoral Commissioner—
  - (a) such amounts shall be paid towards the provision of superannuation benefits for or in respect of him as may be specified in the resolution;
  - (b) (in the case of a former Electoral Commissioner) such pension shall be paid to or in respect of him as may be so specified.
- (3) A resolution for the purposes of this paragraph may—
  - (a) specify the amounts to be paid;
  - (b) provide that the amounts to be paid shall be the same as, or calculated on the same basis as, those payable to or in respect of a person employed in a specified office under, or in a specified capacity in the service of, the Crown;
  - (c) specify the amounts to be paid and provide for them to be increased by reference to such variables as may be specified in the resolution;
  - (d) have the effect of making different provision for different Electoral Commissioners or former Electoral Commissioners.
- (4) A resolution for the purposes of this paragraph may take effect from the date on which it is passed or from any earlier or later date specified in the resolution.
- (5) Any amount payable under this paragraph (other than by way of expenses) shall be charged on and issued out of the Consolidated Fund.
- (6) Any amount payable under this paragraph by way of expenses shall be paid by the Commission.
- (7) In this paragraph “pension” includes allowance and gratuity.

*Deputy Electoral Commissioners: term of office etc.*

- 6 (1) Subject to sub-paragraphs (2) and (3) a Deputy Electoral Commissioner shall hold and vacate his office in accordance with the terms of his appointment.
- (2) A Deputy Electoral Commissioner shall cease to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3).
- (3) A Deputy Electoral Commissioner may be removed from office by the Commission, but only if they are satisfied that one or more of the following grounds is made out in his case—
  - (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months;
  - (b) he has failed to comply with the terms of his appointment;
  - (c) he has been convicted of a criminal offence;
  - (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he has not been discharged;
  - (e) he has made an arrangement or composition contract with, or has granted a trust deed for, his creditors;
  - (f) he is otherwise unfit to hold his office or unable to carry out its functions.
- (4) The Commission shall pay to a Deputy Electoral Commissioner such remuneration, and any such allowances or expenses, as may be provided for by or under the terms of his appointment.

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- (5) If the terms of his appointment as Deputy Electoral Commissioner so provide, the Commission shall—
- (a) pay towards the provision of superannuation benefits for or in respect of a Deputy Electoral Commissioner or former Deputy Electoral Commissioner such amounts as may be provided for by or under those terms;
  - (b) pay such pension to or in respect of a former Deputy Electoral Commissioner as may be so provided.
- (6) In sub-paragraph (5) “pension” includes allowance and gratuity.

#### *Assistant Electoral Commissioners*

- 7
- (1) The Commission may appoint one or more Assistant Electoral Commissioners to inquire into, and report to the Commission or a Boundary Committee on, such matters as the Commission or a Boundary Committee think fit.
  - (2) A person may not be appointed as an Assistant Electoral Commissioner if he is a person who (by virtue of section 3(4)) may not be appointed as an Electoral Commissioner.
  - (3) An Assistant Electoral Commissioner shall—
    - (a) be appointed either for a fixed term or for the purposes of a particular inquiry; and
    - (b) (subject to sub-paragraph (4)) hold and vacate office in accordance with the terms of his appointment.
  - (4) An Assistant Electoral Commissioner shall cease to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3).
  - (5) The Commission shall pay an Assistant Electoral Commissioner such remuneration, and any such allowances or expenses, as may be provided for by or under the terms of his appointment.

#### *Committees*

- 8
- (1) The Commission may establish (in addition to the Boundary Committees) any committees which the Commission consider appropriate.
  - (2) Any committee of the Commission established under sub-paragraph (1) may establish one or more sub-committees.
  - (3) A person shall not be a member of a committee or sub-committee established under this paragraph unless he is an Electoral Commissioner.

#### *Delegation to committees*

- 9
- (1) The Commission may delegate functions of the Commission (to such extent as the Commission may determine) to any committee of the Commission established under paragraph 8(1).
  - (2) Sub-paragraph (1) does not apply to any function transferred to the Commission by virtue of section 16(1) or by an order under section 18(1), 19(1) or 20(1).

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- (3) A committee of the Commission established under paragraph 8(1) may delegate functions of the committee (to such extent as the committee may determine) to any sub-committee of the committee.

#### *Procedure and proceedings*

- 10 (1) The Commission shall regulate their own procedure, and the procedure of their committees and sub-committees (whether established under paragraph 8 or section 14), including the quorum for meetings.
- (2) The validity of any proceedings of the Commission, or of any of their committees or sub-committees, shall not be affected by—
- (a) any vacancy among the members of the Commission, or of the committee or sub-committee, or
  - (b) any defect in the appointments of any such member.

#### *Staff*

- 11 (1) The Commission—
- (a) shall appoint a chief executive, and
  - (b) may appoint such other staff as the Commission consider necessary to assist them and their committees in the performance of their functions.
- (2) A person may not be appointed—
- (a) as chief executive of the Commission if he is a person who (by virtue of section 3(4)(a) to (d)) may not be appointed as an Electoral Commissioner, or
  - (b) as any other member of the staff of the Commission if he is a person who (by virtue of section 3(4)(b) to (d)) may not be appointed as an Electoral Commissioner.
- (3) Subject to sub-paragraph (4), the staff of the Commission shall be appointed on such terms and conditions as the Commission may determine; and the Commission shall pay their staff such remuneration as may be provided for by or under their terms of appointment.
- (4) The appointment of any member of the staff of the Commission shall terminate—
- (a) if he is their chief executive, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3), and
  - (b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (c) of paragraph 3(3).
- (5) In determining the terms and conditions of staff under sub-paragraph (3) above, the Commission shall have regard to the desirability of keeping the remuneration and other terms and conditions of employment of its staff broadly in line with those applying to persons employed in the civil service of the State.
- (6) Service as an officer or employee of the Commission shall be included in the kinds of employment to which a scheme under section 1 of the <sup>M2</sup>Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (which lists the kinds of employment to which a scheme can apply), the following entry shall be inserted at the end of the list of “ Royal Commissions and other Commissions ”

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“Electoral Commission”.

- (7) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (6) in the sums payable out of money provided by Parliament under the <sup>M3</sup>Superannuation Act 1972.
- (8) No member of the staff of the Commission shall be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (9) The Secretary of State may appoint a person to be the Commission’s chief executive until such time as the first person to be appointed by the Commission as their chief executive takes up office; and until such time as the Commission have appointed their own staff the Secretary of State may appoint persons to serve as members of the Commission’s staff.
- (10) Until such time as the Commission may determine, the Commission’s chief executive appointed under sub-paragraph (9) may incur expenditure and do other things in the name and on behalf of the Commission, whether or not the membership of the Commission has yet to be constituted in accordance with section 1.
- (11) The power conferred by sub-paragraph (10) shall be exercisable by that person subject to and in accordance with any directions given to him by the Secretary of State.

#### Marginal Citations

- M2** 1972 c. 11.  
**M3** 1972 c. 11.

VALID FROM 21/07/2009

#### *[<sup>F1</sup>Political restrictions on staff*

#### Textual Amendments

- F1** Sch. 1 paras. 11A, 11B inserted (21.7.2009) by Political Parties and Elections Act 2009 (c. 12), ss. 7(2), 43(1)(5)(b) (with s. 7(3))

- 11A (1) A person may not be appointed as a member of the staff of the Commission if the person—
- (a) is an officer or employee of a registered party or of any accounting unit of such a party;
  - (b) holds a relevant elective office (within the meaning of Schedule 7);
  - (c) has at any time within the relevant period (see sub-paragraph (2))—
    - (i) been such an officer or employee as is mentioned in paragraph (a),  
or
    - (ii) held such an office as is mentioned in paragraph (b), or

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- (iii) been named as a donor in the register of donations reported under Chapter 3 or 5 of Part 4, or
  - (iv) been named as a participant in the register of recordable transactions reported under Part 4A.
- (2) The relevant period is—
  - (a) in relation to appointment as chief executive of the Commission, the last five years;
  - (b) in relation to appointment to a post on the staff of the Commission that is designated by a notice in force under paragraph 11B, the period (immediately preceding the appointment) specified by the notice;
  - (c) in relation to appointment as any other member of the staff of the Commission, the last 12 months.
- (3) A member of a registered party may not be appointed as chief executive of the Commission.
- (4) The appointment of any member of the staff of the Commission shall terminate—
  - (a) in the case of the chief executive, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3);
  - (b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (ca) of paragraph 3(3).
- 11B (1) The chief executive of the Commission may by giving notice to the Speaker's Committee—
  - (a) designate a particular post on the staff of the Commission, and
  - (b) specify as the relevant period for that post, for the purposes of paragraph 11A(2)(b), a period of two years or more,if the chief executive reasonably believes that it is necessary to do so in order to maintain public confidence in the effectiveness of the Commission in carrying out any of its functions.
- (2) The period specified under sub-paragraph (1)(b) may not be more than five years.
- (3) In deciding what that period should be, the chief executive of the Commission shall take into account—
  - (a) the level of seniority of the post;
  - (b) how likely it is that any holder of the post will be required to deal with politically sensitive matters.
- (4) Each notice under sub-paragraph (1) must relate to only one post.
- (5) A notice under sub-paragraph (1)—
  - (a) has effect from the day on which it is received by the Speaker's Committee, and
  - (b) (subject to sub-paragraphs (6) and (7)) expires at the end of the period of three years beginning with that day.
- (6) Sub-paragraph (5)(b) does not prevent a further notice being given under sub-paragraph (1) in relation to the post in question, either—
  - (a) before the previous notice would have expired, or
  - (b) at any time after the expiry of the previous notice.

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A further notice received by the Speaker's Committee before the previous notice would have expired supersedes the previous notice.

- (7) If the chief executive of the Commission gives notice (a “cancellation notice”) to the Speaker's Committee cancelling a notice under sub-paragraph (1), the notice under that sub-paragraph ceases to have effect—
- (a) on the day on which the cancellation notice is received by the Speaker's Committee, or
  - (b) (if later) on such date as may be specified in the cancellation notice.
- (8) Before giving a notice under this paragraph the chief executive of the Commission shall consult the Speaker's Committee.
- (9) The Commission shall publish, in such manner as they consider appropriate, information setting out the effect of all notices under sub-paragraph (1) that are in force at any particular time.]

#### *Delegation to staff*

- 12 Each of the following—
- (a) the Commission,
  - (b) any committee of the Commission (whether established under paragraph 8 or section 14),
  - (c) any sub-committee of such a committee, and
  - (d) the Commission's chief executive,
- may delegate functions of theirs or his (to such extent as they or he may determine) to the Commission's staff (either generally or otherwise).

#### *Delegation and contracting-out of superannuation functions*

- 13 (1) Section 1(2) of the <sup>M4</sup>Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc.) shall have effect as if the reference to an officer of the Crown other than a Minister included the Commission's chief executive.
- (2) Any administration function conferred on the Commission's chief executive under section 1(2) of the <sup>M5</sup>Superannuation Act 1972 (as it has effect in accordance with sub-paragraph (1)) may be exercised by (or by employees of) such person as may be authorised in that behalf by the Commission's chief executive.
- (3) For the purposes of this paragraph an “administration function” is a function of administering schemes—
- (a) made under section 1 of the <sup>M6</sup>Superannuation Act 1972, and
  - (b) from time to time in force.
- (4) An authorisation given by virtue of sub-paragraph (2) may authorise the exercise of an administration function—
- (a) either wholly or to such extent as may be specified in the authorisation;
  - (b) either generally or in such cases as may be so specified; and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.



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- (5) An authorisation given by virtue of sub-paragraph (2)—
- (a) shall be treated for all purposes as if it were given by virtue of an order under section 69 of the <sup>M7</sup>Deregulation and Contracting Out Act 1994 (contracting out of functions of Ministers and office-holders);
  - (b) may be revoked at any time by the Commission (as well as by the chief executive).

#### Marginal Citations

- M4** 1972 c. 11.  
**M5** 1972 c. 11.  
**M6** 1972 c. 11.  
**M7** 1994 c. 40.

### *Financing of Commission*

- 14 (1) The expenditure of the Commission, so far as it cannot be met out of income received by the Commission, shall be met, in accordance with this paragraph, out of money provided by Parliament (except so far as it is—
- (a) reimbursed by the Secretary of State under section 18(9) or the Scottish Ministers in pursuance of section 13(9), 19(11) or 145(6); or
  - (b) met by the National Assembly for Wales in pursuance of section 5(3) or 20(12)).
- (2) For each financial year (other than the Commission's first financial year) the Commission shall prepare, and submit to the Speaker's Committee, an estimate of the Commission's income and expenditure.
- (3) The Speaker's Committee shall—
- (a) examine each such estimate submitted to them; and
  - (b) decide whether they are satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the estimate as they consider appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether they are so satisfied or making any such modifications, the Speaker's Committee shall—
- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (5) The Speaker's Committee shall, after concluding their examination and making their modifications (if any) to the estimate, lay the estimate before the House of Commons.
- (6) If the Speaker's Committee, in the discharge of their functions under this paragraph—

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- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) do not follow any advice given to them by the Treasury, or
  - (c) make any modification to the estimate,
- they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.
- (7) The Secretary of State may by order provide for the transfer to the Commission of such property, rights and liabilities—
- (a) to which he is entitled or subject, and
  - (b) which are specified in the order,
- as he considers appropriate in connection with the establishment of the Commission.
- (8) Such an order may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of any such property, rights or liabilities otherwise than by the order.

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

- C1** Sch. 1 para. 14(1)(b) modified (2.5.2007) (temp.) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), arts. 1(2), 3, **Sch. 1 para. 98(4)**

*Five-year plan*

- 15 (1) When the Commission submit to the Speaker's Committee such an estimate as is mentioned in paragraph 14 the Commission shall also submit to the Committee a plan prepared by the Commission setting out the Commission's—
- (a) aims and objectives for the period of five years beginning with the financial year to which the estimate relates, and
  - (b) estimated requirements for resources during that five-year period.
- (2) The Speaker's Committee shall—
- (a) examine each plan submitted to them;
  - (b) decide whether they are satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the plan as they consider appropriate for the purpose of achieving such consistency.
- (3) Before deciding whether they are so satisfied or making any such modifications, the Speaker's Committee shall—
- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (4) The Speaker's Committee shall, after concluding their examination and making their modifications (if any) to the plan, lay the plan before the House of Commons.

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(5) If the Speaker's Committee, in the discharge of their functions under this paragraph—

- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
- (b) do not follow any advice given to them by the Treasury, or
- (c) make any modification to the plan,

they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.

*Annual examination of Commission by Comptroller and Auditor General*

16 (1) For the purpose of assisting the Speaker's Committee to discharge their functions under paragraphs 14 and 15 the Comptroller and Auditor General shall in each year—

- (a) carry out an examination into the economy, efficiency or effectiveness (or, if he so determines, any combination thereof) with which the Commission have used their resources in discharging their functions (or, if he so determines, any particular functions of theirs);
- (b) report to the Speaker's Committee the results of the examination; and
- (c) include in his report such recommendations as he considers appropriate in the light of the examination.

(2) Section 8 of the <sup>M8</sup>National Audit Act 1983 (right to obtain documents and information) shall apply in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.

**Marginal Citations**

**M8** 1983 c. 44.

*Accounts*

- 17 (1) The Commission shall keep proper accounting records.
- (2) The Commission shall, for each financial year, prepare accounts in accordance with directions given to the Commission by the Treasury.
- (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
- (a) the information to be contained in the accounts and the manner in which it is to be presented,
  - (b) the methods and principles in accordance with which the accounts are to be prepared, and
  - (c) the additional information (if any) that is to accompany the accounts.

*Audit*

- 18 (1) The accounts prepared by the Commission for any financial year shall be submitted by the Commission to—
- (a) the Comptroller and Auditor General, and
  - (b) the Speaker's Committee,

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as soon after the end of the financial year as may be practicable.

- (2) The Comptroller and Auditor General shall—
- (a) examine and certify any accounts submitted to him under this paragraph, and
  - (b) lay before each House of Parliament a copy of the accounts as certified by him together with his report on them.

#### *Accounting officer*

- 19 (1) The Speaker's Committee shall designate a member of the Commission's staff to be the Commission's accounting officer.
- (2) The Commission's accounting officer shall have, in relation to the Commission's accounts and finances, the responsibilities that are from time to time specified by the Speaker's Committee.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts;
  - (b) responsibilities for the propriety and regularity of the Commission's finances; and
  - (c) responsibilities for the economy, efficiency and effectiveness with which the Commission's resources are used.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to the Commission, the Speaker's Committee or the House of Commons or its Committee of Public Accounts.
- (5) In this paragraph any reference to the Public Accounts Committee of the House of Commons shall, if—
- (a) the name of the Committee is changed, or
  - (b) the functions of the Committee at the passing of this Act (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons,
- be taken to be references to the Committee by its new name or (as the case may be) to the committee by whom the functions are for the time being exercisable.
- (6) The Secretary of State may designate any member of the Commission's staff or other person to be the Commission's accounting officer until such time as the first designation made under sub-paragraph (1) takes effect.

#### *Reports*

- 20 (1) The Commission shall, as soon after the end of each financial year as may be practicable, prepare and lay before each House of Parliament a report about the performance of the Commission's functions during that financial year.
- (2) The Commission shall, on so laying such a report, publish the report in such manner as they determine.

#### *Notification of Commission regulations*

- 21 (1) If the Commission make any regulations, they must give a copy to the Secretary of State without delay.

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*Status: Point in time view as at 30/11/2000. This version of this schedule contains provisions that are not valid for this point in time.*

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 01 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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- (2) If the Commission alter or revoke any regulations, they must give notice to the Secretary of State without delay.
- (3) Notice of an alteration must include details of the alteration.

#### *Regulation-making instruments*

- 22 (1) Any power conferred on the Commission to make regulations is exercisable in writing.
- (2) An instrument by which regulations are made by the Commission (“a regulation-making instrument”) must specify the provision under which the regulations are made.
- (3) To the extent to which a regulation-making instrument does not comply with sub-paragraph (2), it is void.
- (4) Immediately after a regulation-making instrument is made, it must be printed and made available to the public.
- (5) The Commission may charge a reasonable fee for providing a person with a copy of a regulation-making instrument.
- (6) A person is not to be taken to have contravened any regulation made by the Commission if he shows that at the time of the alleged contravention the regulation-making instrument concerned had not been made available in accordance with this paragraph.
- (7) Any power of the Commission to make regulations includes power to make different provision for different cases.

#### *Verification of regulations*

- 23 (1) The production of a printed copy of a regulation-making instrument purporting to be made by the Commission—
  - (a) on which is endorsed a certificate signed by a member of the Commission’s staff authorised by the Commission for that purpose, and
  - (b) which contains the required statements,is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (2) The required statements are—
  - (a) that the instrument was made by the Commission;
  - (b) that the copy is a true copy of the instrument; and
  - (c) that on a specified date the instrument was made available to the public in accordance with paragraph 22(4).
- (3) A certificate purporting to be signed as mentioned in sub-paragraph (1) is to be taken to have been properly signed unless the contrary is shown.
- (4) A person who wishes in any legal proceedings to rely on a regulation-making instrument may require the Commission to endorse a copy of the instrument with a certificate of the kind mentioned in sub-paragraph (1).

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*Documentary evidence*

- 24 A document purporting to be—
- (a) duly executed under the seal of the Commission, or
  - (b) signed on behalf of the Commission or a Boundary Committee,
- shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

*Interpretation*

- 25 In this Schedule “delegate” includes further delegate.

**Status:**

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