



# Electoral Administration Act 2006

## 2006 CHAPTER 22

### PART 6

#### CONDUCT OF ELECTIONS ETC.

##### *Access to election documents*

#### **41 Control of documents after parliamentary election**

- (1) Schedule 1 to the 1983 Act (parliamentary elections rules) is amended in accordance with subsections (2) to (7).
- (2) In the heading to rule 55 (delivery of documents after poll) for “Clerk of the Crown” substitute “registration officer”.<sup>47</sup>
- (3) In that rule—
  - (a) in paragraph (1) for “Clerk of the Crown” substitute “relevant registration officer”;
  - (b) after paragraph (1) insert—

“(1A) In this rule and in rules 56 and 57 references to the relevant registration officer are to—

    - (a) the registration officer of the local authority in whose area the constituency is situated, or
    - (b) if the constituency comprises any part of the area of more than one local authority, the registration officer of the local authority in whose area the greater or greatest (as the case may be) number of electors is registered.”;
  - (c) omit paragraphs (2) to (4).
- (4) In rule 56 (orders for production of documents)—
  - (a) in each of paragraphs (1), (6) and (8) for “Clerk of the Crown” substitute “relevant registration officer”;

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- (b) in paragraph (2) for “Clerk of the Crown’s” substitute “ relevant registration officer’s ”;
- (5) In rule 57 (retention and public inspection of documents)—
- (a) in paragraph (1) for “Clerk of the Crown” substitute “ relevant registration officer ”;
  - (b) for paragraph (3) substitute—
    - “(3) The relevant registration officer or the Chief Electoral Officer for Northern Ireland (as the case may be) must, on request, supply to any person copies of or extracts from such description of the documents open to public inspection as is prescribed by regulations.”;
  - (c) after paragraph (3) insert—
    - “(4) Each of the following must, on request, be supplied with a copy of the marked copies of the register, the postal voters list, the list of proxies and the proxy postal voters list—
      - (a) a registered party within the meaning of Part 2 of the Political Parties, Elections and Referendums Act 2000;
      - (b) a person who was a candidate at the election in relation to the constituency for which he was a candidate.
- (5) Regulations may impose conditions in relation to—
- (a) the inspection of any document in pursuance of paragraph (2);
  - (b) the supply of any document or part of a document in pursuance of paragraph (3);
  - (c) the supply of any document or part of a document in pursuance of paragraph (4).
- (6) Regulations may also make provision—
- (a) as to the form in which any such document or part is supplied;
  - (b) for the payment of a fee in respect of the supply of a document or part.
- (7) Conditions which may be imposed for the purposes of paragraph (5) (a) or (b) include conditions as to—
- (a) whether a person may take any copy of a document he is permitted to inspect;
  - (b) the manner in which any such copy is to be taken;
  - (c) the purposes for which information contained in any document or part of a document which is inspected or supplied in pursuance of paragraph (2) or (3) may be used.
- (8) Conditions which may be imposed for the purposes of paragraph (5) (b) or (c) include conditions as to the extent to which a person to whom a document or part of a document has been supplied may—
- (a) supply that document or part to any other person;
  - (b) disclose to any other person any information contained in the document or part;
  - (c) use any such information for a purpose other than that for which the document or part was supplied to him.

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- (9) Regulations may also impose conditions corresponding to those mentioned in paragraph (8) in respect of persons who have obtained a document or part of a document mentioned in paragraph (4)—
- (a) which was supplied to another person in pursuance of paragraph (4), or
  - (b) otherwise than in accordance with regulations under this section.”
- (6) For rule 58 (documents in Scotland) substitute—

- “58
- (1) In the application of rules 55 to 57 to elections in Scotland, the references to the relevant registration officer shall be taken to be references to the relevant sheriff clerk.
- (2) For the purposes of rule 55 as it applies to elections in Scotland—
- (a) the documents to be forwarded in accordance with that rule may be forwarded by being—
    - (i) delivered to the relevant sheriff clerk by the returning officer or his agent, or
    - (ii) sent to the relevant sheriff clerk by recorded delivery post,
  - (b) on forwarding the documents, the returning officer must deliver or send to the relevant sheriff clerk along with the documents a letter specifying the number and descriptions of the documents forwarded, and
  - (c) where the documents are forwarded by delivery under subparagraph (a)(i) above, the relevant sheriff clerk must, on receipt of the documents, provide the person delivering them with a signed receipt showing the date and time of receipt.
- (3) In this rule, “relevant sheriff clerk” means—
- (a) the sheriff clerk of the sheriff court district in which the constituency is situated, or
  - (b) if the constituency comprises any part of the area of more than one sheriff court district, the sheriff clerk of such one of those districts as the Secretary of State may by order appoint.”

- (7) For rule 59 (documents in Northern Ireland) substitute—

“59

In the application of rules 55 to 57 to elections for a constituency in Northern Ireland, the references to the relevant registration officer shall be taken to be references to the Clerk of the Crown for Northern Ireland.”

- (8) In section 63 of that Act (breach of official duty), in subsection (3)(c) after “responsible after a” insert “parliamentary or ”.
- (9) After section 66A of that Act (prohibition on publication of exit polls) insert—

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**“66B Failure to comply with conditions relating to supply etc. of certain documents**

- (1) A person is guilty of an offence—
  - (a) if he fails to comply with any conditions imposed in pursuance of regulations under rule 57 of the parliamentary elections rules, or
  - (b) if he is an appropriate supervisor of a person (P) who fails to comply with such a condition and he failed to take appropriate steps.
- (2) P is not guilty of an offence under subsection (1) if—
  - (a) he has an appropriate supervisor, and
  - (b) he has complied with all the requirements imposed on him by his appropriate supervisor.
- (3) A person who is not P or an appropriate supervisor is not guilty of an offence under subsection (1) if he takes all reasonable steps to ensure that he complies with the conditions.
- (4) In subsections (1)(b) and (2)—
  - (a) an appropriate supervisor is a person who is a director of a company or concerned in the management of an organisation in which P is employed or under whose direction or control P is;
  - (b) appropriate steps are such steps as it was reasonable for the appropriate supervisor to take to secure the operation of procedures designed to prevent, so far as reasonably practicable, the occurrence of a failure to comply with the conditions.
- (5) A person guilty of an offence as mentioned in subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

**Commencement Information**

- II** S. 41 wholly in force at 1.7.2008; s. 41 not in force at Royal Assent, see s. 77; s. 41(1)-(6)(8)(9) in force for E.W.S. at 1.1.2007 by S.I. 2006/3412, art. 3, Sch. 1 para. 14(t) (subject to Sch. 2); s. 41(1)-(6)(8)(9) in force for N.I. at 14.5.2008 and s. 41(7) in force at 1.7.2008 by S.I. 2008/1316, arts. 2(1){(3)}, 3(e), 5(b)

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