



Political Parties and Elections Act 2009

2009 CHAPTER 12

PART 1

THE ELECTORAL COMMISSION

Electoral Commissioners etc

5 Four Electoral Commissioners to be persons put forward by parties

- (1) In section 3 of the 2000 Act, after subsection (4) (political restrictions on Electoral Commissioners) there is inserted—

“(4A) Paragraphs (a) and (d) of subsection (4) do not apply to the appointment of a person as a nominated Commissioner (within the meaning of section 3A).”

- (2) After that section there is inserted—

“3A Four Electoral Commissioners to be persons put forward by parties

- (1) Four of the Electoral Commissioners shall each be a person whom the registered leader of a qualifying party put forward to be considered for appointment as an Electoral Commissioner (a “nominated Commissioner”).
- (2) In subsection (1) “qualifying party” means a registered party with two or more Members of the House of Commons at the time of the person's appointment.
- (3) Three of the nominated Commissioners shall each be a person put forward by the registered leader of one of the three largest nominating parties at the time of the person's appointment.
- (4) In subsection (3) “nominating party” means a party whose registered leader—
 - (a) has put forward three persons to be considered for appointment as a nominated Commissioner, or
 - (b) previously put forward persons one of whom was appointed as a nominated Commissioner and is expected to continue to hold office.

Changes to legislation: There are currently no known outstanding effects for the Political Parties and Elections Act 2009, Section 5. (See end of Document for details)

- (5) No appointment may be made that would result in two or more nominated Commissioners being persons put forward by the leader of the same party (and nothing in this section has effect so as to require that result).
 - (6) A nominated Commissioner may not be appointed as the chairman of the Commission.
 - (7) For the purposes of this section, the relative size of any two or more registered parties shall be determined according to the number of Members of the House of Commons belonging to each party at the time in question (or, in the case of two parties with the same number of Members, according to the total number of votes cast for persons standing for election in the name of each of those parties at the most recent parliamentary general election).
 - (8) A reference in this section to a Member of the House of Commons does not include any Member of that House who at the time in question—
 - (a) has not made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation), or
 - (b) is disqualified from sitting and voting in that House.”
- (3) In section 14 of the 2000 Act (Boundary Committees), in subsection (4), for “an Electoral Commissioner or a deputy Electoral Commissioner” there is substituted “an Electoral Commissioner who is not a nominated Commissioner (within the meaning of section 3A), or a deputy Electoral Commissioner, ”.

Changes to legislation:

There are currently no known outstanding effects for the Political Parties and Elections Act 2009, Section 5.