



# Political Parties and Elections Act 2009

## 2009 CHAPTER 12

### PART 1

#### THE ELECTORAL COMMISSION

##### *Electoral Commissioners etc*

#### **7 Political restrictions on Electoral Commissioners and staff**

- (1) In section 3(4)(d) of the 2000 Act (persons not to be appointed as Electoral Commissioners within ten years of engaging in certain political activities), for “within the last ten years” there is substituted “within the last five years”.
- (2) In Schedule 1 to the 2000 Act (the Electoral Commission), after paragraph 11 there is inserted—

##### *“Political restrictions on staff*

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
- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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."
- (3) The amendment made by subsection (2) does not apply to the appointment of a person—
- (a) to assist the Boundary Committee for England in the performance of its functions,
  - (b) to assist the Commission in carrying out functions transferred to them by an order under section 18(1) of the 2000 Act (transfer of functions of Local Government Commission for England), or
  - (c) to perform duties including either or both of those.