



# Constitutional Reform and Governance Act 2010

## 2010 CHAPTER 25

### PART 7

#### MISCELLANEOUS AND FINAL PROVISIONS

#### **47 Section 3 of the Act of Settlement**

- (1) For the avoidance of doubt, the repeal in section 18(7) of the Electoral Administration Act 2006 of the entry in Schedule 7 to the British Nationality Act 1981 (entry which modified certain disqualifications imposed by section 3 of the Act of Settlement) applied only so far as the modification made by that entry related to—
  - (a) membership of the House of Commons, or
  - (b) anything from which a person is disqualified by virtue of a disqualification from membership of that House.
- (2) Section 3 of the Act of Settlement has effect accordingly, and has done so since the coming into force of section 18 of the Electoral Administration Act 2006.

#### **48 Parliamentary elections: counting of votes**

- (1) Schedule 1 to the Representation of the People Act 1983 (parliamentary elections rules) is amended as follows.
- (2) In rule 44 (attendance at counting of votes) after paragraph (5) insert—

“(6) In making arrangements under this rule, the returning officer shall have regard to the duty imposed on him by rule 45(3A) below.”
- (3) In rule 45 (the count)—
  - (a) after paragraph (3) insert—

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*Changes to legislation: There are currently no known outstanding effects for the  
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“(3A) The returning officer shall take reasonable steps to begin counting the votes given on the ballot papers as soon as practicable within the period of four hours starting with the close of the poll.”;

(b) after paragraph (7) insert—

“(8) The Electoral Commission shall issue guidance to returning officers on the duty imposed by paragraph (3A) above.”

(4) After rule 53 insert—

**53ZA “Counting of votes: statement by returning officer**

(1) In a contested election, if the counting of the votes given on the ballot papers did not begin within the period specified in rule 45(3A) above, the returning officer shall before the expiry of the period of 30 days starting with the day on which the poll closed—

- (a) prepare and publish a statement giving the information specified in paragraph (2) below, and
- (b) deliver it to the Electoral Commission.

(2) The statement must—

- (a) specify the time at which the counting of the votes given on the ballot papers began,
- (b) describe the steps taken under rule 45(3A) above, and
- (c) explain why the counting of the votes given on the ballot papers did not start within the period specified in rule 45(3A) above.

(3) Where a statement is delivered to the Electoral Commission under paragraph (1)(b) above, the Commission shall specify in any election report they produce that a statement has been delivered to them under that paragraph in respect of the constituency to which the statement relates.

(4) In paragraph (3) above “election report” means a report under section 5(1) or (2A) of the Political Parties, Elections and Referendums Act 2000 in relation to the parliamentary election in question.”

**49 Meaning of “Minister of the Crown”**

In this Act “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

**50 Financial provision**

There is to be paid out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown by virtue of this Act;
- (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided.

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## **51 Power to make consequential provision**

- (1) A Minister of the Crown, or two or more Ministers of the Crown acting jointly, may by order make such provision as the Minister or Ministers consider appropriate in consequence of any provision of this Act.
- (2) An order under subsection (1) may—
  - (a) amend, repeal or revoke any existing statutory provision;
  - (b) include supplementary, incidental, transitional, transitory or saving provision.
- (3) “Existing statutory provision” means—
  - (a) a provision of an Act passed on or before the last day of the Session in which this Act is passed;
  - (b) a provision of subordinate legislation (as defined in section 21(1) of the Interpretation Act 1978) made on or before that day.
- (4) An order under subsection (1) is to be made by statutory instrument.
- (5) A statutory instrument containing an order under subsection (1) which amends or repeals a provision of an Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (6) A statutory instrument containing an order under subsection (1) which does not amend or repeal a provision of an Act is subject to annulment in pursuance of a resolution of either House of Parliament.

## **52 Extent, commencement, transitional provision and short title**

- (1) An amendment or repeal contained in this Act has the same extent as the Act or instrument or relevant part of the Act or instrument to which the amendment or repeal relates (ignoring extent by virtue of an Order in Council).
- (2) This Act comes into force on such day as a Minister of the Crown, or two or more Ministers of the Crown acting jointly, may by order appoint; and different days may be appointed for different purposes.
- (3) Subsection (2) does not apply to the following provisions of this Act (which accordingly come into force on the day this Act is passed)—
  - (a) section 41;
  - (b) section 42;
  - (c) the provisions of this Part.
- (4) A Minister of the Crown, or two or more Ministers of the Crown acting jointly, may by order make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (5) An order under subsection (2) or (4) is to be made by statutory instrument.
- (6) This Act may be cited as the Constitutional Reform and Governance Act 2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Part 7.