

1990 No. 158

REPRESENTATION OF THE PEOPLE

The Local Elections (Principal Areas) (Amendment)
Rules 1990

Made - - - - 5th February 1990

Laid before Parliament 9th February 1990

Coming into force in accordance with rule 1(3)

In exercise of the powers conferred upon me by section 36(2) of the Representation of the People Act 1983(a), I hereby make the following Rules:—

1.—(1) These Rules may be cited as the Local Elections (Principal Areas) (Amendment) Rules 1990.

(2) These Rules do not extend to Scotland or Northern Ireland.

(3) These Rules shall come into force on 3rd March 1990 except that—

- (a) rule 4(8)(b) shall only apply in respect of an election with respect to which section 1 of the Local Government and Housing Act 1989(b) has effect;
- (b) rules 4(10) and (11)(b) and (c), 5(16) and (17) and 6(8) and (9) shall not apply in respect of an election if the date by which notice of election for that election is required to be published preceded that day; and
- (c) rules 2, 3, 4(3) to (7), (8)(a), (9), (10)(a) and (12), 5(2) to (5), (6)(a), (7), (8), (9)(a) and (c), (10) to (15) and (18) and 6(2), (3), (5)(b), (6) and (10) shall come into force on 1st April 1990.

2. For rule 4 of the Local Elections (Principal Areas) Rules 1986(c) there shall be substituted the following rule—

“4. In these Rules, “principal area” means a county, district or London borough.”.

3. In rules 5 and 6 of the Local Elections (Principal Areas) Rules 1986 the words “or (3AA)” shall be omitted.

4.—(1) The rules in Schedule 2 to the Local Elections (Principal Areas) Rules 1986 (rules for conduct of principal area elections) shall be amended as follows.

(2) In rule 7(7) (decisions as to validity of nomination papers) the word “paper” shall be omitted.

(3) In rule 15(2) (the official mark) the words “or the Inner London Education Area” shall be omitted.

(4) Paragraph (3) of rule 17 (use of schools and public rooms) shall be omitted.

(5) In rule 46 (delivery of documents)—

- (a) the words “Subject to paragraph (2) below)” in paragraph (1), and

(a) 1983 c. 2.
(b) 1989 c. 42.
(c) S.I. 1986/2214.

(b) paragraph (2), shall be omitted.

(6) In rule 49(1) (countermand or abandonment of poll on death of candidate) the words "or (1A)" shall be omitted.

(7) In the Appendix of forms, in the form of nomination paper—

(a) the words "***ELECTION OF MEMBERS/A MEMBER OF THE INNER LONDON EDUCATION AUTHORITY** for the . . . electoral division of the Inner London Education Area" shall be omitted; and

(b) in note 4 the words "or in the Inner London Education Area" shall be omitted.

(8) In the Appendix of forms, in the form of a candidate's consent to nomination—

(a) the words "***member of the Inner London Education Authority**" and "***or for the Inner London Education Area**" shall be omitted, and

(b) after the words "printed overleaf" there shall be added the words "and I do not hold a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989(a), under a local authority, within the meaning of that Part."

(9) In the Appendix of forms, in the form of the back of the ballot paper, the words "[Inner London Education Area]" shall be omitted.

(10) In the Appendix of forms, in the form of declaration of identity—

(a) in the front of the form—

(i) the words "(or mark)" and "(or marked)" shall be omitted, and

(ii) for the words "(CAPITAL LETTERS)" in both places where they occur, there shall be substituted the words "(WRITE CLEARLY)"; and

(b) in the back of the form—

(i) in paragraph 1, the words "(or mark)" shall be omitted, and

(ii) in paragraph 4, the words ", in order to be counted," shall be omitted.

(11) In the Appendix of forms, in the form of elector's official poll card—

(a) in the front of the card the words "[Inner London Education Authority]" shall be omitted;

(b) for the first paragraph on the back of the card there shall be substituted—

"This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there."; and

(c) for the fifth paragraph on the back of the card(b) there shall be substituted—

"The ballot paper tells you how many candidates you may vote for. Do not vote for more than that number. Put no other mark on the ballot paper, or your vote may not be counted."

(12) In the Appendix of forms, in the form of proxy's official poll card the words "[Inner London Education Authority]" shall be omitted from the front of the card.

5.—(1) Schedule 3 to the Local Elections (Principal Areas) Rules 1986 (modification of elections rules for combined district council and parish or community council elections and combined London borough council and Inner London Education Authority elections) shall be amended as follows; and the words "or (3AA)" shall be omitted from the heading to the Schedule.

(2) In the provisions added to rule 22 by paragraph 3 of that Schedule, paragraph (6) shall be omitted.

(3) In the provision inserted in rule 23 by paragraph 4 of that Schedule, sub-paragraph (b) and the word "or" immediately preceding it shall be omitted.

(4) In the provision substituted by paragraph 5 of that Schedule, the words "*or London borough*" and "*or in the case of the Inner London Education Authority, that Authority*" shall be omitted.

(a) 1989 c. 42.

(b) That paragraph was amended by rule 2(7) of the Local Elections (Principal Areas) (Amendment) Rules 1987 (S.I. 1987/261).

(5) In paragraph 7 of that Schedule, for the words from “after” to the end of the paragraph there shall be substituted the words “after the words “at this” there shall be inserted the word “district””.

(6) In the provisions added to rule 31 by paragraph 8 of that Schedule—

(a) paragraph (4) shall be omitted, and

(b) in paragraph (5) after the words “paragraph (1)(d) above” there shall be inserted the words “or in the list of proxies under paragraph (1)(e) above” and before the words “so as to identify” there shall be inserted the words “or, as the case may be, list”.

(7) In rule 37(1A) as inserted by paragraph 13 of that Schedule, the words “or, in the case of London borough council and Inner London Education Authority elections, this rule” shall be omitted.

(8) In paragraph (1) of rule 38, as substituted by paragraph 14(2) of that Schedule, the words from “In the application” to the end of that paragraph (1) shall be omitted.

(9) In paragraph (1) of rule 39, as substituted by paragraph 15(2) of that Schedule—

(a) in sub-paragraphs (d) and (e) for the words “parish, community or London borough” there shall be substituted the words “parish or community”,

(b) in sub-paragraph (g) after the word “deliver” there shall be inserted the words “or cause to be delivered”, and

(c) the words from “In the application” to the end of that paragraph (1) shall be omitted.

(10) In paragraph (2) of rule 39, as substituted by paragraph 15(2) of that Schedule, the words “or Inner London Education Authority” shall be omitted.

(11) Paragraph (2A) of rule 39, as substituted by paragraph 15(2) of that Schedule shall be omitted.

(12) Paragraph 17 of that Schedule shall be omitted.

(13) For the provision added by paragraph 18(a) of that Schedule there shall be substituted the following—

“Provided that neither the countermand of the poll at the district council election nor the direction that that poll be abandoned shall affect the poll at the parish or community council election.”.

(14) In paragraph (2) of rule 49, as substituted by paragraph 18(b) of that Schedule—

(a) for sub-paragraphs (a), (b) and (c) there shall be substituted the words “district council”;

(b) for the words from “(i) parish” to “election, respectively,” there shall be substituted the words “parish or community council election”, and

(c) for the words “election referred to in sub-paragraphs (a), (b) or (c) above”, in both places where they occur, there shall be substituted the words “district council election”.

(15) In paragraph (2A) of rule 49, as substituted by paragraph 18(b) of that Schedule—

(a) for the words “election referred to in sub-paragraph (a), (b) or (c) of paragraph (2) above” there shall be substituted the words “district council election”;

(b) for the words “election referred to in sub-paragraph (i), (ii) or (iii) of that paragraph” there shall be substituted the words “parish or community council election”, and

(c) for the words “election referred to in sub-paragraph (a), (b) or (c) in that paragraph” there shall be substituted the words “district council election”.

(16) In the form set out in paragraph 19(2) of that Schedule—

(a) in the front of the form—

(i) the words “(or mark)” and “(or marked)” shall be omitted, and

(ii) for the words “(CAPITAL LETTERS)” in both places where they occur, there shall be substituted the words “(WRITE CLEARLY)”;

(b) in the back of the form—

(i) in paragraph (1) the words “(or mark)” shall be omitted;

(ii) in the final sentence of paragraph 2, for the words “paper, or your vote” there shall be substituted the words “papers, or your votes”;

- (iii) in the first sentence of paragraph 3, for the words "the ballot" there shall be substituted the words "each ballot", and
- (iv) in the final sentence of paragraph 4, the words ", in order to be counted," shall be omitted.

(17) In the form set out in paragraph 19(3) of that Schedule—

- (a) in the front of the form—
 - (i) the words "(or mark)" and "(or marked)" shall be omitted, and
 - (ii) for the words "(CAPITAL LETTERS)" in both places where they occur, there shall be substituted the words "(WRITE CLEARLY)"; and
- (b) in the back of the form—
 - (i) in paragraph 1 the words "(or mark)" and "(or marked)" shall be omitted, and
 - (ii) for paragraph 4 there shall be substituted the following paragraph—

"4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the *colour* of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll."

(18) For the provision inserted by paragraph 21(a) of that Schedule there shall be substituted the following—

"and the election now being held in this *parish/*parish ward/*community/*community ward (**delete whichever is inappropriate*)".

6.—(1) Schedule 4 to the Local Elections (Principal Areas) Rules 1986 (modification of elections rules for combined polls under section 15(1) or (2) of the Representation of the People Act 1985(a)) shall be amended as follows.

(2) In the provision substituted by paragraph 6 of that Schedule, the words "*or in the case of the Inner London Education Authority, that Authority*" shall be omitted.

(3) In the words inserted by paragraph 8 of that Schedule, the words "*[the Inner London Education Authority]*" shall be omitted.

(4) In the provision added by paragraph 9 of that Schedule, after the words "paragraph (1)(d) above" there shall be inserted the words "or in the list of proxies under paragraph (1)(e) above" and before the words "so as to identify" there shall be inserted the words "or, as the case may be, list".

(5) In paragraph (1) of rule 39, as substituted by paragraph 18 of that Schedule—

- (a) in sub-paragraph (g) after the word "deliver" there shall be inserted the words "or cause to be delivered", and
- (b) at the end of that paragraph (1) the words "or Inner London Education Authority and London borough council" shall be omitted.

(6) In paragraph (2) of rule 39, as substituted by paragraph 18 of that Schedule, after the words "district council" there shall be inserted the words "or, as the case may be" and the words "or, as the case may be, Inner London Education Authority" shall be omitted.

(a) 1985 c. 50.

(7) In paragraph (2A)(a) of rule 39, as substituted by paragraph 18 of that Schedule, before the words "open each" there shall be inserted the words "in the presence of the counting agents".

(8) In the form set out in paragraph 21(2) of that Schedule—

(a) in the front of the form—

- (i) the words "(or mark)" and "(or marked)" shall be omitted, and
- (ii) for the words "(CAPITAL LETTERS)" in both places where they occur, there shall be substituted the words "(WRITE CLEARLY)"; and

(b) in the back of the form—

- (i) in paragraph 1 the words "(or mark)" shall be omitted;
- (ii) in the final sentence of paragraph 2, for the words "paper, or your vote" there shall be substituted the words "papers, or your votes";
- (iii) in the first sentence of paragraph 3, for the words "the ballot" there shall be substituted the words "each ballot", and
- (iv) in the final sentence of paragraph 4, the words ", in order to be counted," shall be omitted.

(9) In the form set out in paragraph 21(3) of that Schedule—

(a) in the front of the form—

- (i) the words "(or mark)" and "(or marked)" shall be omitted, and
- (ii) for the words "(CAPITAL LETTERS)" in both places where they occur, there shall be substituted "(WRITE CLEARLY)", and

(b) in the back of the form—

- (i) the words "(or mark)" and "(or marked)" shall be omitted, and
- (ii) for paragraph 4 there shall be substituted the following paragraph—

"4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked "A"), declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the *colour* of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows:

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll."

(10) In the provision inserted by paragraph 24 of that Schedule, the words "/*Inner London Education Authority" shall be omitted.

7. Paragraph (7) of rule 2 of the Local Elections (Principal Areas) (Amendment) Rules 1987(a) (amendment of form of elector's official poll card) shall be omitted.

Home Office
5th February 1990

David Waddington
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of these Rules)

These Rules amend the Local Elections (Principal Areas) Rules 1986 which after 1st April 1990 will apply in respect of the election of county, district or London borough councillors in England and Wales. Rules 2, 3, 4(3), (5) to (7), (8)(a), (9), (10)(a) and (12), 5(2) to (5), (6)(a), (7), (8), (9)(a) and (c), (10) to (15) and (18) and 6(2), (3), (5)(b), (6) and (10) of these Rules are consequential on the repeal of the provisions in primary legislation relating to elections to the Inner London Education Authority (see Part I of Schedule 13 to the Education Reform Act 1988 (c. 40)).

Rule 4(8)(b) of these Rules amends the form of a candidate's consent to nomination in consequence of the disqualification introduced by Part I of the Local Government and Housing Act 1989.

Rules 4(2), (8) and (11)(b) and (c), 5(6)(b), (9)(b), (16) and (17) and 6(4), (5)(a) and (7) to (9) either seek to clarify the drafting of the Local Elections (Principal Areas) Rules 1986 including the forms of the official poll card and declarations of identity or correct errors or omissions in those Rules.

Rule 4(4) omits a provision about rating which is equivalent to a provision in the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 which will be repealed as from 1st April 1990 by Part I of Schedule 13 to the Local Government Finance Act 1988 (c. 41).

Rule 7 omits a provision which is superseded by the amendment made by rule 4(11)(c).

£1.35 net

ISBN 0 11 003158 X

Printed in the United Kingdom by HMSO at Edinburgh Press

790 WO 192 C17 2/90 452/4 19593 PS 8350958 (276030)