

SCHEDULE 2

THE LONDON MEMBERS ELECTION RULES

PART III

Stages Common To Contested And Uncontested Elections

Notice of election

5.—(1) The GLRO shall publish in each Assembly constituency notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered, and
- (b) the date of the poll in the event of a contest,

and the notice shall state that forms of nomination papers may be obtained at that place and those times.

(2) The notice of election shall state the date by which—

- (a) applications to vote by post or proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the electoral registration officer in order that they may be effective for the election.

Nomination of candidates and nomination papers: individual candidates

6.—(1) Each individual candidate shall be nominated by a separate nomination paper which shall be in the appropriate form.

(2) The nomination paper of an individual candidate shall state the candidate's—

- (a) full names,
- (b) home address, in full, and
- (c) if desired, description,

and the surname shall be placed first in the list of names.

(3) The description, if any, shall not exceed six words in length, and need not refer to the candidate's rank, profession or calling so long as, with his other particulars, it is sufficient to identify him.

(4) The nomination paper of an individual candidate may not include a description of the candidate which is likely to lead voters to associate the candidate with a registered party unless the description is authorised by a certificate—

- (a) issued by or on behalf of the party's nominating officer, and
- (b) received by the GLRO before the last time for the delivery of nomination papers.

(5) The nomination paper of each individual candidate shall be delivered at the place fixed for the purpose by the GLRO, which—

- (a) in relation to the first ordinary election shall be at the offices of the person designated by order under section 3(4) of the 1999 Act to be the returning officer at the election;
- (b) in relation to any subsequent election, shall be at the offices of the Greater London Authority.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (4) on behalf of a registered party's nominating officer.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Nomination of parties and nomination papers: list candidates

7.—(1) A registered party's list of candidates to be London members⁽¹⁾ shall be in the appropriate form and that party shall be nominated by the submission of that list to the GLRO in accordance with paragraph (8) by the party's nominating officer or a person authorised in writing by him.

(2) Each party list shall include the name by which the party wishes to be known for the purposes of the election; and that name need not be the party's registered name but must not be such as would be likely to lead voters to associate that party with another registered party.

(3) That name shall not comprise more than six words.

(4) Each party list shall set out the full names and home addresses in full of each candidate included in that list.

(5) Each party list shall include a statement that it is issued by the nominating officer of the party or by a person authorised in writing by him.

(6) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to make the statement required by paragraph (5) on behalf of a registered party's nominating officer.

(7) Each party list may be accompanied by a request made by or on behalf of the nominating officer of the party that the ballot paper shall contain against the party's name the party's registered emblem (or, as the case may be, one of the party's registered emblems).

(8) Each party list shall be delivered at the place fixed for the purpose by the GLRO, which—

- (a) in relation to the first ordinary election shall be at the offices of the person, or person of the description, designated by order under section 3(4) of the 1999 Act to be the returning officer at the election;
- (b) in relation to any subsequent election, shall be at the offices of the Greater London Authority.

(9) Where a nomination paper and list of candidates are delivered in respect of the same registered party after an earlier paper and list have been so delivered, that later paper and list shall be deemed to supersede the earlier ones.

(10) In the following provisions of these Rules, unless the context indicates otherwise—

- (a) any reference to a nomination paper includes a reference to a party list; and
- (b) a party list shall be treated as the nomination paper of each person whose name is included in the list.

Consent to nomination

8. A person shall not be validly nominated (whether as an individual candidate or a list candidate) unless his consent to nomination—

- (a) is given in writing in the appropriate form, or a form to the like effect, on or within one month before the last day for the delivery of nomination papers,
- (b) contains a statement that he has read whichever of sub-paragraphs (5) and (6) of paragraph 5 of Schedule 2 to the 1999 Act (persons who may not be candidates) applies in his case;
- (c) is attested by one witness, whose name and address shall be given, and
- (d) is delivered at the place and within the time for delivery of nomination papers.

(1) See paragraph 5(4) and (5) of Schedule 2 to the Greater London Authority Act 1999 as to other requirements relating to party lists.

Deposits

9.—(1) A person shall not be validly nominated as an individual candidate at the election for the return of the London members unless the sum of £5,000 is deposited by him or on his behalf with the GLRO at the place and during the time for delivery of nomination papers.

(2) A person shall not be validly nominated as a list candidate at such election unless, as respects the party list on which his name appears, the sum of £5,000 is deposited as mentioned in paragraph (1).

(3) The deposit may be made either—

- (a) by the deposit of any legal tender, or
- (b) by means of a banker's draft, or
- (c) with the GLRO's consent, in any other manner,

but the GLRO may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of an individual candidate, the person making the deposit shall at the time he makes it give his name and address to the GLRO (unless they have previously been given to him under section 67 (appointment of election agent) of the 1983 Act).

Decisions as to validity of nomination papers

10.—(1) Where an individual candidate's nomination paper ("individual nomination paper") and his consent to it are delivered and a deposit is made in accordance with these Rules, the candidate shall be deemed to stand nominated unless and until—

- (a) the GLRO decides that the nomination paper is invalid, or
- (b) proof is given to the GLRO's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The GLRO is entitled to hold an individual nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the witness signing the paper are not as required by law; and
- (b) that the paper is not witnessed as so required.

(3) Where a party list and the consent of each candidate included in that list are delivered and a deposit is made in accordance with these Rules, that party and (subject to paragraph (5)) each candidate on its list shall be deemed to stand nominated unless and until the GLRO decides that the list is invalid.

(4) The GLRO is entitled to hold a party list invalid only on one of the following grounds—

- (a) that the name stated under paragraph (2) of rule 7 breaches that rule;
- (b) that the number of candidates on the list is greater than 25;
- (c) that the list does not contain the statement referred to in rule 7(5).

(5) Where, in respect of a candidate included in a party list—

- (a) proof is given to the GLRO's satisfaction of his death;
- (b) he withdraws or his candidature is withdrawn in accordance with rule 13;
- (c) his particulars in that list are not as required by law; or
- (d) the consent to nomination of that candidate is not delivered in accordance with rule 8,

the GLRO shall delete the name and address of that candidate from the list.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) As soon as practicable after each nomination paper has been delivered, the GLRO shall examine it and decide whether the individual candidate or, as the case may be, each candidate included in a party's list has been validly nominated.

(7) where the GLRO decides—

- (a) that an individual nomination paper is invalid he shall endorse and sign on the paper the fact and the reasons for his decision;
- (b) that a party list is invalid or the name and address of a list candidate shall be deleted from the list, he shall endorse and sign on the list that fact and the reasons for his decision.

(8) The GLRO shall, as soon as practicable after making such a decision as is mentioned in paragraph (6) or (7), send notice of it—

- (a) to the candidate at his home address as given in his nomination paper, and
- (b) in the case of a list candidate, also to the nominating officer.

(9) The GLRO's decision that a nomination paper or a party list is valid shall be final and shall not be questioned in any proceeding whatsoever.

(10) Subject to paragraph (9), nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Publication of statement of persons nominated

11.—(1) The GLRO shall prepare and publish a statement showing—

- (a) each registered party which has been and stands nominated, together with that party's list;
- (b) the persons who have been and stand nominated as individual candidates; and
- (c) any other parties or persons who have been nominated, together with the reason why they no longer stand nominated.

(2) The statement shall show, in the following order—

- (a) the registered parties which have been and stand nominated in alphabetical order with the name of the party as given in that list;
- (b) the names and home addresses of the list candidates as given in those lists, arranged in the order in which their names appear in those lists;
- (c) the names, addresses and descriptions of the persons standing nominated as individual candidates, arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names.

(3) In the case of an individual candidate nominated by more than one nomination paper, the GLRO shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the GLRO in default of the candidate) may select.

Inspection of nomination papers and consent to nomination

12. During ordinary office hours on any day, other than a day specified in rule 4(1), after the latest time for delivery of nomination papers and before the date of the poll, any person may inspect and take copies of, or extracts from, nomination papers and consents to nomination.

Withdrawal or death of candidate

13.—(1) A candidate may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, whose name and address shall be given, and
- (b) delivered to the GLRO at the place for delivery of nomination papers.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his election agent and accompanied by a written declaration also so signed of the candidate's absence from the United Kingdom shall be of the same effect as a notice of withdrawal signed by the candidate; but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, and only if, it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

(3) If, before the date appointed for the poll, proof is given to the GLRO's satisfaction that one of the persons named or to be named as an individual candidate in the ballot papers, or whose name appears on a party list, has died, then the GLRO shall inform each CRO of that fact (in addition to complying with any other requirement of these Rules relevant to that event).

Method of election

14. If, after any withdrawals under rule 13, the number of persons remaining validly nominated exceeds the number of seats available for allocation to London members, then, unless all of those persons are named on the same party list, a poll shall be taken in accordance with Part IV of these Rules.