

2006 No. 3412 (C. 128)

REPRESENTATION OF THE PEOPLE

**The Electoral Administration Act 2006 (Commencement No. 2,
Transitional and Savings Provisions) Order 2006**

Made - - - - *18th December 2006*

The Secretary of State, in exercise of the powers conferred by section 77 of the Electoral Administration Act 2006^(a), makes the following Order:

Citation and interpretation

1. This Order may be cited as the Electoral Administration Act 2006 (Commencement No. 2, Transitional and Savings Provisions) Order 2006.

2. In this Order “the Act” means the Electoral Administration Act 2006.

Commencement of provisions of the Electoral Administration Act 2006

3. Subject to article 6, the day appointed for the coming into force of the provisions of the Act specified in Schedule 1 to this Order is 1 January 2007.

4.—(1) The day appointed for the coming into force of the provisions specified in paragraph (2), except so far as they—

- (a) extend to Northern Ireland;
- (b) apply to minor parties within the meaning of section 160(1) of the 2000 Act^(b),

is 1 January 2007.

(2) Section 61 (Regulations of loans etc.) of the Act so far as it provides—

- (a) by subsection (1), for the insertion of section 71S(3) of the 2000 Act;
- (b) by subsection (5), for the insertion of paragraphs 2(3) and 3(2) of Schedule 6A to the 2000 Act.

5. The day appointed for the coming into force of section 29 (Observation of proceedings and working practices) of, and paragraphs 82 to 85 of Schedule 1 to, the Act is 31 January 2007, except so far as they extend to Northern Ireland.

^(a) 2006 c. 22.

^(b) The reference is to the Political Parties, Elections and Referendums Act 2000 (c. 41).

6. Schedule 2 (transitional and savings provisions) shall have effect.

Signed by authority of the Secretary of State

18th December 2006

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

SCHEDULE 1

Article 3

Provisions of the Act coming into force on 1 January 2007

1. Section 10 (Anonymous registration).
2. Section 11 (Alterations of registers: pending elections).
3. Section 14 (Absent voting: personal identifiers).
4. Sections 32 to 34 (Photographs on ballot papers).
5. Section 35 (Certain voters entitled to vote in person).
6. Section 49 (Political party descriptions).
7. Section 52(4) to (6) (Time for registration of parties fielding candidates) for the purposes of elections to the Scottish Parliament and the National Assembly for Wales within the meaning of section 22(5)(c) and (d) of the 2000 Act(a).
8. Section 70 (Time limit for prosecutions).
9. Section 71 (Restriction on powers of arrest by persons other than constables).
10. Section 72 (Pre-consolidation amendments).
11. Section 74 (Miscellaneous amendments and repeals) for the purposes of the provisions specified in paragraphs 12(e) and 13 of this Schedule.
12. In Schedule 1—
 - (a) paragraphs 1 to 30;
 - (b) paragraphs 31 to 40;
 - (c) paragraph 53;
 - (d) paragraph 75, except in so far as it relates to the insertion of sub-paragraph (d) of paragraph (1) of rule 37 and paragraph (4) of rule 37 of the parliamentary election rules set out in Schedule 1 to the 1983 Act;
 - (e) paragraph 137.
13. In Schedule 2 the entries relating to—
 - (a) section 10A(5) of the 1983 Act(b);
 - (b) the Police and Criminal Evidence Act 1984(c);
 - (c) section 19(6)(b) of the Representation of the People Act 1985(d);
 - (d) Schedule 4 to the Representation of the People Act 2000(a).

(a) 2000 c. 41.
(b) 1983 c. 2.
(c) 1984 c. 60.
(d) 1985 c. 50.

14. In relation to England and Wales and Scotland only—

- (a) section 12 (Determinations by registration officers and objections);
- (b) section 13(1) (Registration of voters with service qualification);
- (c) section 16 (Review of polling places);
- (d) section 17 (Minimum age);
- (e) section 18 (Certain Commonwealth citizens);
- (f) section 19 (Nomination procedures);
- (g) section 20 (Omission of references to Maundy Thursday);
- (h) Section 21 (Use of candidates' common names);
- (i) Section 22 (Candidate not to stand in more than one constituency);
- (j) Section 23 (Offences as to false statements in nomination papers), to the extent that it is not already in force;
- (k) Section 24 (Death of candidate);
- (l) Section 26 (Return as to election expenses);
- (m) Section 28 (Discretion to report on certain elections);
- (n) section 30 (Ballot paper design);
- (o) section 31(1) to (3) and (5) to (9) (Replacement of counterfoils);
- (p) section 31(4), except to the extent that it relates to sub-paragraph (d) of paragraph (1) of rule 37;
- (q) section 36 (Translations etc. of certain documents);
- (r) section 37 (Documents relating to postal voting);
- (s) section 38(1) to (3) and (6) (Tendered votes);
- (t) section 41(1) to (6), (8) and (9) (Control of documents after parliamentary election);
- (u) section 45 (Marked postal voters list);
- (v) section 46 (Returning officers: correction of procedural errors);
- (w) section 47 (Miscellaneous amendments of the 1983 Act) for the purposes of the provisions specified in paragraph 14(bb)(iii) of this Schedule;
- (x) section 66 (Details to appear on election and referendum material);
- (y) section 69 (Encouraging electoral participation);
- (z) section 73(1) and (2) (Abolition of common law incapacity: mental state);
- (aa) section 74 (Miscellaneous amendments and repeals) for the purposes of the provisions specified in sub-paragraph (bb)(iv) to (vi) and (cc) of this paragraph;
- (bb) in Schedule 1—
 - (i) paragraphs 41 to 46;
 - (ii) paragraphs 49 to 52, and 54;
 - (iii) paragraphs 69, 70, 72 to 74, 76 to 81, 86 to 89, 91 to 94 and 96;
 - (iv) paragraph 103 and 113 to 115;
 - (v) paragraphs 105, 106, 108, 109, 128, 132 and 136;
 - (vi) paragraphs 129 to 131;
- (cc) in Schedule 2, the entries relating to—
 - (i) the Parliamentary Elections Act 1695**(b)**;
 - (ii) the Election Act 1707**(c)**;

(a) 2000 c. 2.
(b) 1695 c. 25.
(c) 1707 cap. 8.

- (iii) the Family Law Reform Act 1969(a);
- (iv) the British Nationality Act 1981(b);
- (v) sections 40(1), 81 and 119(2) and 202(1) of, and rule 2(1)(b), rule 6(3)(a), rule 19(2)(d), rule 29(3)(b), rule 43(1)(e), rule 45(1B)(b), rule 55 and the Appendix to the rules in Schedule 1 to, the 1983 Act;
- (vi) section 77(9)(a) of, and Schedule 18 to, the 2000 Act(c);
- (vii) paragraphs 85(2), (3) and (5) of Schedule 27 to the Civil Partnership Act 2004(d).

15. In relation to England and Wales only—

- (a) sections 42 to 44 (Access to other election documents) for the purposes of—
 - (i) any local government election (as defined by section 203(1) of the 1983 Act) other than an Authority election (as defined by section 203(1) of the 1983 Act(e));
 - (ii) any referendum held under, or by virtue of regulations or an order made under, any provision of Part 2 of, the Local Government Act 2000(f);
 - (iii) any election for the return of an elected mayor held in accordance with regulations made under Part 2 of the Local Government Act 2000;
 - (iv) any election to the National Assembly for Wales under Part 1 of the Government of Wales Act 1998(g) or Part 1 of the Government of Wales Act 2006(h);
- (b) section 68 (Funding of services and expenses of returning officers);
- (c) section 74 (Miscellaneous amendments and repeals) for the purposes of the entry in Schedule 2 relating to section 29(4), (4A) and (4B) of the 1983 Act.

SCHEDULE 2

Article 6

Transitional and savings provisions

Certain provisions not to apply in respect of elections where date of the poll is before 3 May 2007

1. Sections 11, 17, 18, 19, 20, 21, 22, 23(2) and (4), 24, 26, 28, 30, 31, 36, 37, 38, 41(1) to (3) and (6), 42, 43, 44, 45, 46, 49(3), 66(2) and 68 of the Act and the provisions specified in paragraphs 12(b), (c), and (d), 13(c), 14(bb)(i) to (iv) and (vi), 14(cc)(i) to (vi) and 15(c) of Schedule 1 to this Order, shall not have effect in relation to any election for which the date of the poll specified in the notice of election issued in relation to that election is on or before 2 May 2007.

Anonymous registration

2. No application may be made under section 9B(1)(a) of the 1983 Act(i) until 1 June 2007.

(a) 1969 c. 46.

(b) 1981 c. 61.

(c) 2000 c. 41.

(d) 2004 c. 33.

(e) 1983 c. 2. The definition of “local government election” in section 203(1) was amended by, and the definition of “Authority election” in section 203(1) was inserted by, the Greater London Authority Act 1999 (c. 29).

(f) 2000 c.22. Part 2 of that Act was amended by section 158(1) of and paragraph 18 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41).

(g) 1998 c. 38.

(h) 2006 c. 32.

(i) 1983 c. 2; section 9B is inserted by section 10 of the Electoral Administration Act 2006 (c. 22).

Absent voting

3. Where a person has made an application under paragraph 3(1) or (2), 4(1) or (2), or 7(4) of Schedule 4 to the Representation of the People Act 2000^(a) prior to 31 December 2006 that has not been determined on or before 31 December 2006, the registration officer must not grant the application unless the applicant has provided to the registration officer a specimen of their signature and their date of birth.

Control of documents after a parliamentary election

4.—(1) The amendments made to the 1983 Act by—

- (a) section 31(8) (which amends rule 57 in Schedule 1 to the 1983 Act);
- (b) section 41(4) and (5) (which amend rules 56 and 57 in Schedule 1 to the 1983 Act);
- (c) section 41(8) (which amends section 63 of the 1983 Act); and
- (d) section 41(9) (which inserts section 66B of the 1983 Act),

of the Act, do not have effect in relation to any documents to which paragraph (2) applies.

(2) This paragraph applies to any documents which have been or must be forwarded to the Clerk of the Crown on or before 2 May 2007, in accordance with—

- (a) rule 55 (Delivery of documents to the Clerk of the Crown) in Schedule 1 to the 1983 Act;
- (b) regulation 91 (Forwarding of documents) of the Representation of the People (England and Wales) Regulations 2001^(b).

^(a) 2000 c. 2. Schedule 4 is amended by section 14 of the Electoral Administration Act 2006 (c. 22).

^(b) S.I. 2001/341, amended by S.I. 2006/752 and 2006/2910; there are other amending instruments but none are relevant.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, in relation to England and Wales, the majority of the provisions of the Electoral Administration Act 2006 that have not yet been commenced. The Order commences certain provisions in relation to Scotland. The Order also brings into force a limited number of provisions in relation to Northern Ireland. In some cases the provisions are brought into force for the limited purposes specified in the Order.

The provisions specified in Schedule 1 are brought into force on 1 January 2007, subject to the transitional and savings provisions made in Schedule 2.

Article 4 brings into force certain parts of section 61(Regulation of loans etc.) on 1 January 2007 in England and Wales and Scotland.

Article 5 brings into force section 29 (Observation of proceedings and working practices) and related provisions of Schedule 1 to the Act on 31 January 2007 in England and Wales and Scotland.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 9	11.09.2006	2006/1972
Section 15	11.09.2006	2006/1972
Section 23 (partially)	11.09.2006	2006/1972
Section 25	11.09.2006	2006/1972
Section 27	11.09.2006	2006/1972
Section 39	11.09.2006	2006/1972
Section 40	11.09.2006	2006/1972
Section 47 (partially)	11.09.2006	2006/1972
Section 48	11.09.2006	2006/1972
Section 50	11.09.2006	2006/1972
Section 51	11.09.2006	2006/1972
Section 52 (partially)	11.09.2006	2006/1972
Section 53	11.09.2006	2006/1972
Section 54	11.09.2006	2006/1972
Section 55	11.09.2006	2006/1972
Section 56	11.09.2006	2006/1972
Section 57	11.09.2006	2006/1972
Section 60	11.09.2006	2006/1972
Section 61 (partially, England and Wales and Scotland)	11.09.2006	2006/1972, amended by 2006/2268
Section 62 (England and Wales and Scotland)	11.09.2006	2006/1972
Section 64	11.09.2006	2006/1972
Section 65	11.09.2006	2006/1972
Section 67	11.09.2006	2006/1972
Section 74 (partially)	11.09.2006	2006/1972
Schedule 1 (partially)	11.09.2006	2006/1972, amended by 2006/2268
Schedule 2 (partially)	11.09.2006	2006/1972

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