

2010 No. 969 (C. 64)

REPRESENTATION OF THE PEOPLE

**The Political Parties and Elections Act 2009 (Commencement
No. 3 and Saving Provision) Order 2010**

Made - - - -

24th March 2010

The Secretary of State, in exercise of the powers conferred by section 43(1) and (2)(b) of the Political Parties and Elections Act 2009(a), makes the following Order:

Citation

1. This Order may be cited as the Political Parties and Elections Act 2009 (Commencement No. 3 and Saving Provision) Order 2010.

Appointed Date

2. The following provisions of the Political Parties and Elections Act 2009 come into force on 26th March 2010—

- (a) section 25 (disposal of election documents in Scotland);
- (b) section 39 (amendments and repeals) in so far as it relates to the entry in paragraph (c);
and
- (c) the entry in Schedule 7 (repeals) relating to section 63(3)(b) of the Representation of the People Act 1983(b).

Saving Provision

3. The provisions brought into force by article 2 do 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 before the date on which those provisions come into force.

Signed by authority of the Secretary of State

Ann McKechin
Parliamentary Under Secretary of State
Scotland Office

24th March 2010

(a) 2009 c.12.

(b) 1983 c.2; section 63 was substituted by the Representation of the People Act 1985 (c.50), Schedule 4, paragraph 19.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, at article 2, brings into force on 26th March 2010 section 25 of the Political Parties and Elections Act 2009 (c.12), together with a consequential repeal.

Section 25 amends section 63 of, and Schedule 1 to, the Representation of the People Act 1983 (1983 c.2) (“the 1983 Act”). The amendment to section 63 (breach of official duty) omits the words “sheriff clerk”. The amendment to Schedule 1 substitutes a revised rule 58 (disposal of documents in Scotland) in the Parliamentary Election Rules contained in Schedule 1 to the 1983 Act. The new rule 58 gives responsibility for the retention of, provision of access to, and disposal of, the election records and documents for a United Kingdom Parliamentary election in Scotland to the Parliamentary Returning Officer for the election.

The saving provision at article 3 of the Order ensures that the provisions brought into force by article 2 do not apply to elections where the date of the poll is before the date on which those provisions come into force (26th March 2010). Those documents will continue to be forwarded to and held by sheriff clerks until destroyed under rule 57 of the Parliamentary Elections Rules.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Political Parties and Elections Act 2009 have been brought into force by commencement orders made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 12	01.01.2010	2009/3084
Section 13	01.01.2010	2009/3084
Section 14	01.01.2010	2009/3084
Section 15	01.01.2010	2009/3084
Section 16	01.01.2010	2009/3084
Section 17	01.01.2010	2009/3084
Section 18	01.01.2010	2009/3084
Section 20	01.01.2010	2009/3084
Section 21	25.11.2009	2009/3084
Section 23	04.09.2009	2009/2395
Section 24	04.09.2009	2009/2395
Section 39 (partially)	04.09.2009	2009/2395
Section 39 (partially)	25.11.2009	2009/3084
Section 39 (partially)	01.01.2010	2009/3084
Schedule 6 (partially)	04.09.2009	2009/2395
Schedule 6 (partially)	25.11.2009	2009/3084
Schedule 6 (partially)	01.01.2010	2009/3084
Schedule 7 (partially)	04.09.2009	2009/2395
Schedule 7 (partially)	25.11.2009	2009/3084
Schedule 7 (partially)	01.01.2010	2009/3084

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2010 No. 969 (C. 64)

REPRESENTATION OF THE PEOPLE

The Political Parties and Elections Act 2009 (Commencement
No. 3 and Saving Provision) Order 2010

£4.00