

## SCHEDULES

### SCHEDULE 3

Rules for the conduct of PCC elections where poll not taken together with poll at another election

### PART 2

Stages common to contested and uncontested elections

#### NOMINATION OF CANDIDATES

##### **Nomination of candidates**

**5.**—(1) Each candidate must be nominated by a separate nomination paper, in Form 6 in Part 8 of this Schedule delivered to the police area returning officer at the place fixed for the purpose—

- (a) by the candidate in person, or
- (b) by the proposer or seconder of the candidate, or
- (c) by the candidate's election agent on the candidate's behalf if the agent's name and address have been previously given to the returning officer as required by article 26 or are so given at the time the nomination paper is delivered.

(2) The nomination paper must state the candidate's—

- (a) full names, and
- (b) if desired, description,

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

(3) If a candidate commonly uses—

- (a) a surname which is different from any other surname the candidate has, or
- (b) a forename which is different from any other forename the candidate has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) A candidate's description (if any) can only be—

- (a) one authorised as mentioned in rule 6(1) or (3), or
- (b) the word "Independent".

(5) The nomination paper must be accompanied by a form (in these rules referred to as "the home address form") which states the candidate's—

- (a) full names, and
- (b) home address in full.

(6) Provision in paragraph (1) above about the delivery of the nomination paper applies also to the home address form.

(7) The home address form—

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- (a) may contain a statement made and signed by the candidate that he or she requires the home address not to be made public, and
  - (b) if it does so, must contain a statement confirming that the candidate is registered in the register of electors for an electoral area in respect of an address within the police area.
- (8) Where a nomination paper in respect of a person is delivered after the delivery of an earlier nomination paper in respect of the same person, the later paper supersedes the earlier one.

### **Nomination papers: name of registered political party**

6.—(1) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless—

- (a) the party is a qualifying party in relation to the police area, and
- (b) the use of the description is authorised by a certificate that is—
  - (i) issued by or on behalf of the registered nominating officer of the party, and
  - (ii) received by the police area returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.

(2) In paragraph (1) an authorised description must be—

- (a) the name of the party registered under section 28 of the 2000 Act<sup>(1)</sup>, or
- (b) a description of the party registered under section 28A of that Act<sup>(2)</sup>.

(3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless—

- (a) the parties are each qualifying parties in relation to the police area,
- (b) the description is a registered description, and
- (c) the use of the description is authorised by a certificate that is—
  - (i) issued by or on behalf of the registered nominating officer of each of the parties, and
  - (ii) received by the police area returning officer before the last time for the delivery of nomination papers set out in the Table in rule 1.

(4) For the purposes of paragraph (3), “registered description” means a joint description registered for use by the parties under section 28B of 2000 Act<sup>(3)</sup>.

(5) A person is guilty of a corrupt practice if the person fraudulently purports to be authorised to issue a certificate under paragraph (1) or (3) on behalf of a registered political party’s nominating officer.

(6) For the purposes of the application of this rule in relation to a PCC election—

- (a) “registered political party” means a party which was registered under Part 2 of the 2000 Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that PCC election, and
- (b) a registered political party is a qualifying party in relation to a police area in England or Wales if the party was on the relevant day registered in respect of England or Wales (as the case may be) in the Great Britain register maintained under that Part of that Act.

(7) For the purposes of paragraph (6)(a), any day specified in rule 3 is to be disregarded.

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(1) Section 28 was amended by [S.I. 2004/366](#) and by section 48 of the Electoral Administration Act 2006 ([c.22](#)). Section 22 of the Political Parties, Elections and Referendums Act 2000 is amended by article 24 of this Order so that the requirements as to registration of political parties in Part 2 of that Act apply to elections of police and crime commissioners.

(2) Section 28A was inserted by section 49(1) of the Electoral Administration Act 2006.

(3) Section 28B was inserted by section 49(1) of the Electoral Administration Act 2006.

### **Subscription of nomination paper**

7.—(1) The nomination paper must be subscribed by 2 electors as proposer and seconder, and by 98 other electors as assenting to the nomination.

(2) Where a nomination paper has the signatures of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) that appear first on the paper in each category are to be taken into account to the exclusion of any others in that category.

(3) The nomination paper must give the electoral number of each person subscribing it.

(4) The police area returning officer—

(a) must supply any elector with as many forms of nomination paper and forms of consent to nomination as may be required at the place and during the time for delivery of nomination papers, and

(b) must at any elector's request prepare a nomination paper for signature,

but it is not necessary for a nomination or consent to nomination to be on a form that was supplied by the police area returning officer.

(5) In this rule “elector”—

(a) means a person who, on the last day for the publication of notice of the PCC election, is registered in the register of electors in respect of an address that is within the police area in question, and

(b) includes a person then shown in the register as below voting age if (but only if) it appears from the register that the person will be of voting age on the day fixed for the poll.

(6) But in this rule, “elector” does not include a person who has an anonymous entry in the register.

### **Consent to nomination**

8. A person is not validly nominated unless that person's consent to nomination—

(a) is given in writing on or within the period of 31 days before the last day for the delivery of nomination papers,

(b) is in Form 7 set out in Part 8 of this Schedule or a form to like effect

(c) is attested by one witness, and

(d) is delivered at the place and within the time for the delivery of nomination papers.

### **Deposit**

9.—(1) A person is not validly nominated unless the sum of £5,000 is deposited by or on behalf of the person with the police area returning officer at the place and during the time for delivery of nomination papers.

(2) 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 police area returning officer's consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

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

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(3) Where the deposit is made on behalf of a candidate, the person making the deposit must at the time it is made give the person's name and address to the police area returning officer (unless those details have previously been supplied to the officer under article 26 (appointment of election agent)).

### **Place for delivery of nomination papers and right to attend nomination**

**10.**—(1) The police area returning officer must fix the place in the police area at which nomination papers are to be delivered to the officer, and must attend there during the time for their delivery and for the making of objections to them.

(2) Except for the purpose of delivering a nomination paper or of assisting the police area returning officer, no other person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless that person is—

- (a) a person standing nominated as a candidate, or
- (b) the election agent, proposer or seconder of such a person, or
- (c) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Act(4).

(3) Where a candidate is the candidate's own election agent, the candidate may name one other person and that person is entitled to attend in place of the election agent.

(4) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—

- (a) to such one of those papers as the candidate may select, or
- (b) in default of such a selection, to that one of those papers which is first delivered,

are entitled to attend as the person's proposer and seconder.

(5) The right to attend conferred by this rule includes the right—

- (a) to inspect, and
- (b) to object to the validity of,

any nomination paper and associated home address form.

(6) Paragraph (5) does not apply to a person mentioned in paragraph (2)(c).

(7) One other person chosen by each candidate is entitled to be present at the delivery of the candidate's nomination, and may afterwards (so long as the candidate stands nominated) attend the proceedings referred to in paragraph (2) but without the right referred to in paragraph (5).

(8) The police area returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.

### **Decisions as to validity of nomination papers**

**11.**—(1) Where a nomination paper and the candidate's consent to it and the home address form are delivered and a deposit is made in accordance with these rules, the candidate is deemed to stand nominated unless and until—

- (a) the police area returning officer decides that the nomination paper is invalid, or
- (b) the police area returning officer decides that the home address form does not comply with rule 5(5) or (7), or
- (c) proof is given to the police area returning officer's satisfaction of the candidate's death, or
- (d) the candidate withdraws.

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(4) Section 6A and 6B of the Political Parties and Referendums Act 2000 (c.41) were inserted by section 29 of the Electoral Administration Act 2006 (c.22). Section 6A(5) was amended by paragraph 10 of Schedule 10 to the Police Reform and Social Responsibility Act 2011 (c.13) and by S.I. 2007/1388.

(2) The police area returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate or the persons subscribing the paper are not as required by law;
- (b) that the paper is not subscribed as so required.

(3) Subject to paragraph (4), the police area returning officer must, as soon as practicable after each nomination paper has been delivered, examine it and decide whether the candidate has been validly nominated.

(4) If in the police area returning officer's opinion a nomination paper breaks rule 6(1) or (3), the officer must give a decision to that effect.

(5) Any decision under paragraph (4) must be given—

- (a) as soon as practicable after the delivery of the nomination paper, and
- (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1.

(6) Where the police area returning officer decides that a nomination paper is invalid, the officer must—

- (a) endorse on the paper the fact that the nomination is invalid and the reasons for the decision, and
- (b) sign the paper.

(7) The police area returning officer's decision that a nomination paper is valid is final and may not be questioned in any proceeding whatsoever.

(8) Subject to paragraph (7), nothing in this rule prevents the validity of a nomination being questioned on a PCC election petition.

### **Correction of minor errors**

**12.**—(1) At any time before the publication under rule 13 of the statement of persons nominated, a police area returning officer may correct minor errors in a nomination paper or a home address form.

(2) Errors that may be corrected include—

- (a) errors as to a person's electoral number;
- (b) obvious errors of spelling in relation to the details of a candidate;
- (c) in the home address form, errors as to the information mentioned in rule 5(7)(b).

(3) Anything done by a police area returning officer in pursuance of this rule may not be questioned in any proceeding other than proceedings on a PCC election petition.

(4) A police area returning officer must have regard to any guidance issued by the Commission for the purposes of this rule.

### **Publication of statement of persons nominated**

**13.**—(1) The police area returning officer must prepare a statement showing—

- (a) the persons who have been and stand nominated, and
- (b) any other persons who have been nominated together with the reason why they no longer stand nominated.

(2) The statement must show the names, addresses and descriptions of the persons nominated as given in their nomination papers and the home address forms.

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(3) If a person's nomination paper gives a commonly used surname or forename in addition to another name, the statement must show the person's commonly used surname or forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the police area returning officer thinks—

- (a) that the use of the person's commonly used name is likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the police area returning officer must give notice in writing to the candidate of the reasons for refusing to allow the use of a commonly used name.

(6) The statement of persons nominated must show the persons standing nominated 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.

(7) In relation to a nominated person in whose case the home address form (or, if the person is nominated by more than one nomination paper, any of the home address forms) contains—

- (a) the statement mentioned in rule 5(7)(a), and
- (b) the information mentioned in rule 5(7)(b),

the reference in paragraph (2) to the person's address shall be read as a reference to the information mentioned in rule 5(7)(b).

(8) Where—

- (a) two or more of the names shown on the statement are the same or so similar as to be likely to cause confusion,
- (b) paragraph (7) applies in relation to each of the persons in question, and
- (c) the information mentioned in rule 5(7)(b) is the same for each of them,

the police area returning officer may cause any of their particulars to be shown on the statement with such amendments or additions as the officer thinks appropriate in order to reduce the likelihood of confusion.

(9) Where it is practicable to do so before the publication of the statement, the police area returning officer must consult any person whose particulars are to be amended or added to under paragraph (8).

(10) The police area returning officer must give notice in writing to any person whose particulars are amended or added to under paragraph (8).

(11) Anything done by a police area returning officer in pursuance of paragraph (8) must not be questioned in any proceedings other than proceedings on a PCC election petition.

(12) A police area returning officer must have regard to any guidance issued by the Commission for the purposes of paragraph (8).

(13) The police area returning officer—

- (a) must give public notice of the statement prepared under this rule, and
- (b) must send a copy of it to the Commission.

### **Local publication of statement under rule 13**

**14.—**(1) Immediately following publication of the statement of persons nominated, the police area returning officer must forward a copy of it to the local returning officer for each voting area wholly or partly comprised in the police area.

(2) As soon as practicable after receipt of the copy of the statement, the local returning officer must give public notice of it at a place within the voting area for which the officer acts.

### **Withdrawal of candidates**

**15.**—(1) A candidate may withdraw from being a candidate by notice of withdrawal—

(a) signed by the candidate and attested by one witness, and

(b) delivered to the police area returning officer at the place for delivery of nomination papers.

(2) Where a candidate (“A”) is outside the United Kingdom, a notice of withdrawal which is accompanied by a written declaration of A’s absence from the United Kingdom is of the same effect as a notice signed by A if both the notice and the declaration are signed by A’s proposer.

### **Nomination in more than one police area**

**16.**—(1) A candidate who is validly nominated for more than one police area must withdraw from being a candidate in all those police areas except one.

(2) Any such candidate who does not withdraw is deemed to have withdrawn from being a candidate in all police areas.