Representation of the People Act 1983

CHAPTER 2

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ELIZABETH II

Representation of the People Act 1983

1983 CHAPTER 2

An Act to consolidate the Representation of the People Acts of 1949, 1969, 1977, 1978 and 1980, the Electoral Registers Acts of 1949 and 1953, the Elections (Welsh Forms) Act 1964, Part III of the Local Government Act 1972, sections 6 to 10 of the Local Government (Scotland) Act 1973, the Representation of the People (Armed Forces) Act 1976, the Returning Officers (Scotland) Act 1977, section 3 of the Representation of the People Act 1981, section 62 of and Schedule 2 to the Mental Health (Amendment) Act 1982, and connected provisions; and to repeal as obsolete the Representation of the People Act 1979 and other enactments related to the Representation of the People Acts. [8th February 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PARLIAMENTARY AND LOCAL GOVERNMENT

FRANCHISE AND ITS EXERCISE

Parliamentary and local government franchise

Parliamentary electors.

1.—(1) A person entitled to vote as an elector at a parliamentary election in any constituency is one who—

(*a*) is resident there on the qualifying date (subject to subsection (2) below in relation to Northern Ireland); and

(*b*) on that date and on the date of the poll—

(i) is not subject to any legal incapacity to vote (age apart); and

(ii) is either a Commonwealth citizen or a citizen of the Republic of Ireland;

and

(*c*) is of voting age (that is, 18 years or over) on the date of the poll.

(2) A person is not entitled to vote as an elector at a parliamentary election in any constituency in Northern Ireland unless he was resident in Northern Ireland during the whole of the period of three months ending on the qualifying date for that election.

(3) A person is not entitled to vote as an elector in any constituency unless registered there in the register of parliamentary electors to be used at the election.

(4) A person is not entitled to vote as an elector—

(*a*) more than once in the same constituency at any parliamentary election;

(*b*) in more than one constituency at a general election.

Local government electors.

2.—(1) A person entitled to vote as an elector at a local government election in any electoral area is one who—

(*a*) is resident there on the qualifying date; and

(*b*) on that date and on the date of the poll—

(i) is not subject to any legal incapacity to vote (age apart); and

(ii) is either a Commonwealth citizen or a citizen of the Republic of Ireland;

and

(*c*) is of voting age (that is, 18 years or over) on the date of the poll.

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(2) A person is not entitled to vote as an elector in any electoral area unless registered there in the register of local government electors to be used at the election.

(3) A person is not entitled to vote as an elector—

(*a*) more than once in the same electoral area at any local government election; and

(*b*) in more than one electoral area at an ordinary election for any local government area which is not a single electoral area.

Disfranchisement of offenders in prison etc.

3.—(1) A convicted person during the time that he is detained in a penal institution in pursuance of his sentence is legally incapable of voting at any parliamentary or local government election.

(2) For this purpose—

(*a*) "convicted person" means any person found guilty of an offence (whether under the law of the United Kingdom or not), including a person found guilty by a court-martial under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or on a summary trial under section 49 of the Naval Discipline Act 1957, or by a Standing Civilian Court established under the Armed Forces Act 1976, but not including a person dealt with by committal or other summary process for contempt of court; and 1955 c. 18. 1955 c. 19. 1957 c. 53. 1976 c. 52.

(*b*) "penal institution" means an institution to which the Prison Act 1952, the Prisons (Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953 applies; and 1952 c. 52. 1952 c. 61.

(*c*) a person detained for default in complying with his sentence shall not be treated as detained in pursuance of the sentence, whether or not the sentence provided for detention in the event of default, but a person detained by virtue of a conditional pardon in respect of an offence shall be treated as detained in pursuance of his sentence for the offence. 1953 c. 18 (N.I.).

(3) It is immaterial for the purposes of this section whether a conviction or sentence was before or after the passing of this Act.

Qualifying date.

4.—(1) In England and Wales and Scotland, 10th October in any year is the qualifying date for a parliamentary or local government election at which the date fixed for the poll falls within the period of twelve months beginning with 16th February in the next following year.

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(2) In Northern Ireland, 15th September in any year is the qualifying date for such a parliamentary election as is mentioned above, subject to the Secretary of State's power under section 13(2) below.

Residence.

5.—(1) For the purposes of sections 1 and 2 above any question as to a person's residence on the qualifying date for an election—

(*a*) shall be determined in accordance with the general principles formerly applied in determining questions as to a person's residence on a particular day of the qualifying period within the meaning of the Representation of the People Act 1918 ; and

1918, (7 and 8 Geo. 5.) c. 64.

(*b*) in particular regard shall be had to the purpose and other circumstances, as well as to the fact, of his presence at or absence from the address in question.

(2) Without prejudice to those general principles, a person's residence in a dwelling house shall not be deemed for the purposes of sections 1 and 2 to have been interrupted—

(*a*) by reason of that person's absence in the performance of any duty arising from or incidental to any office, service or employment held or undertaken by him, if he intends to resume actual residence within six months of giving it up and will not be prevented by the performance of that duty ; or

(*b*) by reason of permission being given by letting or otherwise for its occupation furnished by some other person—

(i) if the permission is given in the expectation that throughout the period for which it is given the person giving it or his wife or her husband will be absent in the performance of any such duty as is mentioned above ; or

(ii) if the first mentioned person intends to resume actual residence within nine weeks of giving it up and will not be prevented by the permission given as mentioned above.

(3) A person who is detained at any place in legal custody shall not by reason thereof be treated for the purposes of sections 1 and 2 as resident there.

Residence: merchant seamen.

6. At any time when a merchant seaman is not resident in the United Kingdom and would have been resident there but for the nature of his occupation, he shall be entitled to be treated for the purposes of sections 1 and 2 above as resident—

(*a*) at any place at which he would have been resident but for the nature of his occupation ; or

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(*b*) at any hostel or club providing accommodation for merchant seamen at which he commonly stays in the course of his occupation.

For this purpose " merchant seaman " means any person not having a service qualification whose employment or the greater part of it is carried out on board seagoing ships, and includes any such person while temporarily without employment.

Residence: detained and voluntary mental patients.

7.—(1) A person who is detained at any place by virtue of any enactment relating to persons suffering from mental disorder shall not by reason thereof be treated for the purposes of sections 1 and 2 above as resident there.

(2) In the following provisions of this section—

" assistance " does not include assistance necessitated by blindness or other physical incapacity;

" mental hospital " means any establishment maintained wholly or mainly for the reception and treatment of persons suffering from any form of mental disorder;

" patient's declaration " means a declaration made under this section by a voluntary mental patient;

" voluntary mental patient " means a person who is a patient in a mental hospital but is not liable to be detained there by virtue of any enactment.

(3) A person who on the qualifying date is a voluntary mental patient shall not be entitled to be registered as mentioned in section 12(1) or (2) below except in pursuance of a declaration made with reference to that date in accordance with subsection (4) below.

This subsection is without prejudice to the registration of a voluntary mental patient by virtue of his residence at an address other than the mental hospital in which he is a patient in any case in which he would be entitled to be so registered apart from this subsection and the following subsections of this section.

(4) A voluntary mental patient may make a declaration under this subsection if he is able to do so without assistance; and a patient's declaration—

(*a*) shall be made with a view to registration in the register of electors for a particular year and with reference to the qualifying date for that register,

(*b*) shall be made during the 12 months ending with the qualifying date by reference to which it is made but shall not have effect if after it is made and before that date the declarant ceases to be a voluntary mental patient or cancels the declaration,

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(*c*) may be made by a declarant notwithstanding the fact that by reason of his age he is not yet entitled to vote,

(*d*) shall state that it was made by the declarant without assistance, and shall state—

(i) the date of the declaration,

(ii) that on that date and, unless it is the qualifying date, on the qualifying date next following the declarant is or will be a voluntary mental patient,

(iii) the address of the mental hospital in which the declarant is a voluntary mental patient,

(iv) the address where the declarant would be resident in the United Kingdom if he were not a voluntary mental patient or, if he cannot give any such address, an address (other than a mental hospital) at which he has resided in the United Kingdom,

(v) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland, and

(vi) whether the declarant had on the date of the declaration attained the age of 18 years and, if he had not, the date of his birth,

and a patient's declaration shall be attested in the prescribed manner.

(5) If a person—

(*a*) makes a patient's declaration declaring to more than one address, or

(*b*) makes more than one patient's declaration bearing the same date and declaring to different addresses,

the declaration or declarations shall be void.

(6) A patient's declaration may at any time be cancelled by the declarant and (subject to subsection (5) above) a patient's declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date if it is made with reference to the same qualifying date.

(7) A voluntary mental patient whose patient's declaration is made with reference to the qualifying date for any register shall be treated in relation to that register—

(*a*) as resident on the qualifying date at the address specified in the declaration pursuant to paragraph (*d*)(iv) of subsection (4) above ;

(*b*) in the case of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of 3 months ending on the qualifying date ; and

(*c*) in any case, until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.

(8) Where a patient's declaration appearing to be properly made out and attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having been from the date of the declaration or such later date, if any, as appears from it, and as continuing to be, qualified to be registered as an elector.

(9) No patient's declaration shall be specially made by a person for the purpose of local government elections, and any patient's declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—

(*a*) a patient's declaration may be made for the purpose of local government elections only by a person who is a peer subject to a legal incapacity to vote at parliamentary elections; and

(*b*) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as any other patient's declaration.

Registration of parliamentary and local government electors

Registration officers.

8.—(1) For the registration of electors there shall be electoral registration officers (in this Act referred to as "registration officers").

(2) In England and Wales—

(*a*) the council of every district and London borough shall appoint an officer of the council to be registration officer for any constituency or part of a constituency coterminous with or situated in the district or borough, and

(*b*) the Common Council shall appoint an officer to be registration officer for the part of the constituency containing the City and the Inner Temple and the Middle Temple.

(3) In Scotland, the council of every region and islands area shall appoint an officer of the council for their area or for any adjoining region or islands area, or an officer appointed by any combination of such councils, to be registration officer for any constituency or part of a constituency which is situated within that region or islands area.

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(4) In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the registration officer for each constituency.

Registers of electors.

9.—(1) It is every registration officer's duty to prepare and publish in each year—

(*a*) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and

(*b*) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.

(2) The registers of parliamentary electors and of local government electors shall so far as practicable be combined, the names of persons registered only as local government electors being marked to indicate that fact.

(3) A registration officer's general duty to prepare and publish registers of electors in conformity with this Act includes the duty to take reasonable steps to obtain information required by him for that purpose (without prejudice to any specific requirement of this Act or regulations under it).

Preparation of registers.

10. With a view to the preparation of registers, the registration officer shall—

(*a*) have a house to house or other sufficient inquiry made as to the persons entitled to be registered (excluding persons entitled to be registered in pursuance of a service declaration);

(*b*) have prepared and published electors lists showing the persons appearing to him to be entitled to be registered together with their qualifying addresses;

(*c*) determine all claims for registration duly made by any person, and all objections to any person's registration duly made by another person appearing from the electors lists to be himself entitled to be registered including claims and objections asking for the omission, insertion or alteration of a date as that on which a person will become of voting age and entitled to be treated as an elector.

Correction of registers.

11.—(1) Where a register of electors as published does not carry out the registration officer's intention—

(*a*) to include the name of any person shown in the electors lists as a person entitled to be registered, or

(*b*) to give or not to give in a person's entry a date as that on which he will attain voting age, or as to the date to be given, or

(*c*) to give effect to a decision on a claim or objection made with respect to the electors lists,

then (subject to the decision on any appeal from a decision on a claim or objection) the registration officer on becoming aware of the fact shall make the necessary correction in the register.

(2) Where—

(*a*) paragraph (a) of subsection (1) above does not apply, but

(*b*) the registration officer is satisfied by such evidence as he may require that any person whose name is not included in a register of electors as published is entitled to be registered in that register,

the registration officer shall make the necessary correction in the register.

(3) An alteration made in a register of electors under subsection (1) or subsection (2) above on or after the date on which notice of an election is given shall not have effect for the purposes of that election.

(4) No alteration shall be made in a register of electors as published otherwise than under—

(*a*) subsection (1) or subsection (2); or

(*b*) the provisions of sections 56 to 58 below relating to appeals.

Right to be registered

12.—(1) A person who may be entitled to vote as an elector at parliamentary elections for which any register is to be used is entitled to be registered in that register, subject to—

(*a*) section 7(3) above, as to a person who on the qualifying date is a voluntary mental patient, and subsections (3) and (4) below as to one who on the qualifying date has a service qualification; and

(*b*) any enactment imposing a disqualification for registration as a parliamentary elector.

(2) A person who may be entitled to vote as an elector at local government elections for which any register is to be used is entitled to be registered in that register, subject to—

(*a*) section 7(3) above, as to a person who on the qualifying date is a voluntary mental patient, and subsections (3) and (4) below as to one who on the qualifying date has a service qualification; and

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(*b*) any enactment imposing a disqualification for registration as a local government elector.

(3) A person who on the qualifying date has a service qualification is not entitled to be registered as mentioned in subsection (1) or subsection (2) above except in pursuance of an appropriate service declaration; and in this subsection and in subsection (4) below "appropriate service declaration" means—

(*a*) in the case of a person who on the qualifying date is a member of the forces or the wife or husband of such a member, a service declaration made in accordance with section 15 below and in force on that date; and

(*b*) in any other case, a service declaration made in accordance with that section with reference to that date.

(4) Subsection (3) above does not apply to a person who on the qualifying date is the wife or husband of a member of the forces if on that date—

(*a*) that person has no other service qualification;

(*b*) that person is resident in the United Kingdom; and

(*c*) no appropriate service declaration is in force in respect of that person.

(5) A person otherwise qualified is entitled to be registered in a register of parliamentary electors or a register of local government electors if he will attain voting age before the end of the twelve months following the day by which the register is required to be published; but, if he will not be of voting age on the first day of those twelve months—

(*a*) his entry in the register shall give the date on which he will attain that age; and

(*b*) until the date given in the entry he shall not by virtue of the entry be treated as an elector for any purposes other than purposes of an election at which the day fixed for the poll is that or a later date.

Publication of registers.

13.—(1) Registers of parliamentary and local government electors or, in Northern Ireland, of parliamentary electors, shall be—

(*a*) prepared and published once a year, and

(*b*) published not later than 15th February,

and registers published in any year shall be used for elections at which the date fixed for the poll falls within the period of twelve months beginning with 16th February in that year.

(2) The Secretary of State has power to make regulations altering the interval in Northern Ireland between the qualifying date and the date of publication of the registers of parliamentary

electors by changing either date, and any such regulations may make such consequential provisions (including the modification of any enactment contained in this or any other Act) as may appear to the Secretary of State to be necessary.

(3) If any part of a register is not published within the time required by this section, then until the day following that on which it is published the corresponding part of the previous register shall continue in use.

(4) Where any part of the register used at an election is a part continued in force by subsection (3) above, the Representation of the People Acts (including this Act) shall have effect in relation to the election and the area to which that part relates as if the qualifying date by reference to which that part was prepared were the qualifying date for the election.

Service qualifications and declarations for registration

Service qualification

14.—(1) A person has a service qualification for the purposes of this Act who—

(*a*) is a member of the forces,

(*b*) (not being such a member) is employed in the service of the Crown in a post outside the United Kingdom of any prescribed class or description,

(*c*) is employed by the British Council in a post outside the United Kingdom,

(*d*) is the wife or husband of a member of the forces,

(*e*) is the wife or husband of a person mentioned in paragraph (*b*) or paragraph (*c*) above and is residing outside the United Kingdom to be with her husband or, as the case may be, his wife,

and where a person leaves the United Kingdom to take up employment or residence as mentioned above or returns to the United Kingdom at the end of such employment or residence, the employment or residence shall be deemed to begin from the time of leaving or to continue until the time of returning, as the case may be.

(2) For the purposes of section 1(2) above a person ceasing to have a service qualification shall be treated as if he were resident in Northern Ireland for the period during which he had a service qualification.

Service declaration

15.—(1) A service declaration shall be made only—

(*a*) by a person who has a service qualification, or

(*b*) subject to any prescribed conditions, by a person about to leave the United Kingdom in such circumstances as to acquire a service qualification,

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and a service declaration may be made by such a person notwithstanding the fact that by reason of his age he is not yet entitled to vote.

(2) A service declaration made by a member of the forces or the wife or husband of such a member shall, if not cancelled, continue in force so long as the declarant has a service qualification, except in so far as regulations provide that the declaration shall cease to be in force on a change in the circumstances giving the service qualification.

(3) A service declaration made by any other person shall be made with a view to registration in the register of electors—

(*a*) for a particular year; and

(*b*) with reference to the qualifying date for that register.

(4) A service declaration made with reference to any qualifying date shall be made during the twelve months ending with that date, but shall not have effect if after it is made and before that date—

(*a*) the declarant ceases to have a service qualification; or

(*b*) the declarant cancels the declaration; or

(*c*) in so far as regulations so provide, there is a change in the circumstances giving the service qualification.

(5) No service declaration shall be specially made by a person for the purpose of local government elections, and any service declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections; but—

(*a*) a service declaration may be made for the purpose of local government elections only by a person who is as a peer subject to a legal incapacity to vote at parliamentary elections; and

(*b*) where so made, shall be marked to show that it is available for local government elections only, but shall in all other respects be the same as other service declarations.

(6) If a person—

(*a*) makes a service declaration declaring to more than one address, or

(*b*) makes more than one service declaration bearing the same date and declaring to different addresses,

the declaration or declarations shall be void.

(7) A service declaration may at any time be cancelled by the declarant and (subject to subsection (6) above) a service declaration bearing a later date shall without any express cancellation

cancel a declaration bearing an earlier date if, in the case of a service declaration made otherwise than by a member of the forces or the wife or husband of such a member, it is made with reference to the same qualifying date. PART I

Contents of service declaration.

16. A service declaration shall state—

(*a*) the date of the declaration,

(*b*) where the declarant is a member of the forces or the wife or husband of such a member, that on that date the declarant is, or but for the circumstances entitling him to make the declaration would have been, residing in the United Kingdom,

(*c*) in the case of any other declarant, that on that date and, unless it is a qualifying date, on the qualifying date next following he is or will be, or but for those circumstances would have been, residing in the United Kingdom,

(*d*) the address where the declarant is or, as the case may be, will be or would have been residing in the United Kingdom or, if he cannot give any such address, an address at which he has resided in the United Kingdom,

(*e*) that on the date of the declaration the declarant is a Commonwealth citizen or a citizen of the Republic of Ireland,

(*f*) whether the declarant had on the date of the declaration attained the age of 18 years, and, if he had not, the date of his birth, and

(*g*) such particulars (if any) as may be prescribed of the declarant's identity and service qualifications,

and (except where the declarant is a member of the forces or the wife or husband of such a member) shall be attested in the prescribed manner.

Effect of service declaration.

17.—(1) A member of the forces or the wife or husband of such a member whose service declaration is in force on the qualifying date shall be treated for the purposes of registration, and any other person whose service declaration is made with reference to the qualifying date for any register shall be so treated in relation to that register—

(*a*) as resident on the qualifying date at the address specified in the declaration;

(*b*) in the case of registration in Northern Ireland, as resident in Northern Ireland during the whole of the period of three months ending on the qualifying date; and

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(*c*) in any case, until the contrary is proved, as being a Commonwealth citizen or a citizen of the Republic of Ireland of the age appearing from the declaration and as not being subject to any legal incapacity except as so appearing.

(2) Where a service declaration appearing to be properly made out and (where required) attested is transmitted to the registration officer in the proper manner, the declarant shall, until the contrary is proved, be treated for the purposes of registration as having had from the date of the declaration or such later date, if any, as appears from it, and as continuing to have, a service qualification.

Place and manner of voting at parliamentary elections

Polling districts and places at parliamentary elections.

18.—(1) Every constituency shall be divided into polling districts and subject to the provisions of this section there shall be a polling place designated for each polling district.

(2) In England and Wales it is the duty of the council of each district or London borough to divide their area into polling districts for the purpose of parliamentary elections for so much of any constituency as is situated in their area, and to designate the polling places for those polling districts, and to keep the polling districts and polling places under review, in accordance with the following rules—

(*a*) the council shall exercise the powers conferred by this section with a view to giving all electors in so much of the constituency as falls within their area such reasonable facilities for voting as are practicable in the circumstances;

(*b*) in the case of a county constituency, each parish or community shall in the absence of special circumstances be a separate polling district or districts;

(*c*) the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station;

(*d*) a polling place need not be designated for any polling district, if the size and other circumstances of the district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.

(3) In Scotland it is the returning officer's duty to make the division into polling districts and to designate the polling places, and to keep the polling districts and polling places under review in accordance with the following rules—

(*a*) the returning officer shall exercise the powers conferred by this section with a view to giving all electors in the constituency such reasonable facilities for voting as are practicable in the circumstances;

(*b*) each electoral area established for the purpose of local government elections which is within the constituency, and that part within the constituency of any such area which is partly within the constituency and partly within another constituency, shall, in the absence of special circumstances, be a separate polling district or districts;

(*c*) the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station;

(*d*) a polling place need not be designated for any polling district, if the size and other circumstances of the district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.

(4) In the case of a polling district for which no polling place is designated the polling district shall be taken to be the polling place for the purposes of this Act.

(5) If any interested authority or not less than 30 electors in a constituency make a representation to the Secretary of State that the powers conferred by this section have not been exercised so as to meet the reasonable requirements of the electors in the constituency or any body of those electors, the Secretary of State shall consider the representation and may, if he thinks fit—

(*a*) direct the council (or in Scotland, the returning officer) by whom the powers are exercisable, to make any alterations which the Secretary of State thinks necessary in the circumstances, and

(*b*) if the council or returning officer fails to make those alterations within a month after the direction is given, himself make the alterations,

and any alterations made by the Secretary of State under this subsection shall have effect as if they had been made by the council or returning officer.

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In this subsection the expression " interested authority ", in relation to any constituency, means—

(i) as respects England, the council or where there is no such council the parish meeting of a parish which is wholly or partly situated within the constituency ;

(ii) as respects Wales, the council of a community which is so situated ;

(iii) as respects Scotland, the council of any region, islands area or district within whose area the constituency is wholly or partly situated.

(6) On the exercise of any power given by this section, the council or returning officer—

(*a*) shall publish in the constituency a notice showing the boundaries of any polling districts or polling places constituted as a result of the exercise of the power ; and

(*b*) unless the power was exercised by the Secretary of State, shall also send him a report giving the same information.

(7) Subsections (2) to (6) above do not apply to Northern Ireland, and in Northern Ireland the polling districts and polling places are those for the time being established under the law relating to the election of members to serve in the Northern Ireland Assembly.

(8) Regulations—

(*a*) may provide for adapting the register in force for the time being to any alteration of polling districts, and

(*b*) may make special provisions for cases where any alteration of polling districts is made between the publication of any electors lists and the coming into force of the register prepared from those lists,

but except in cases for which provision is made by regulations an alteration of polling districts shall not be effective until the coming into force of the first register prepared from electors lists published after the alteration is made.

(9) An election shall not be questioned by reason of—

(*a*) any non-compliance with the provisions of this section ; or

(*b*) any informality relative to polling districts or polling places.

Voting at parliamentary elections

19.—(1) A person voting as an elector at a parliamentary election shall do so in person at the polling station allotted

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to him under the parliamentary elections rules except in so far as this section makes exceptions for—

(*a*) those registered as service voters;

(*b*) those unable or likely to be unable to go in person to the polling station for one of the following reasons—

(i) the general nature of the occupation, service or employment of the person in question;

(ii) that person's service as a member of any of Her Majesty's reserve or auxiliary forces;

(iii) the particular circumstances of that person's employment on the date of the poll either as a constable or, for a purpose connected with the election, by the returning officer;

(iv) at a general election, the candidature in some other constituency of that person or that person's wife or husband;

(v) at a general election, the fact that that person is acting as returning officer for some other constituency;

(vi) at a general election, the particular circumstances of that person's employment on the date of the poll by the returning officer for some other constituency for a purpose connected with the election in that constituency;

(*c*) those unable or likely to be unable, by reason either of blindness or any other physical incapacity or of religious observance, to go in person to the polling station or, if able to go, to vote unaided;

(*d*) those unable or likely to be unable to go in person from their qualifying address to the polling station without making a journey by air or sea;

(*e*) those no longer residing at their qualifying address;

(*f*) those registered by virtue of a patient's declaration under section 7 above;

(*g*) those who have a service qualification depending on marriage to, and residence outside the United Kingdom to be with, a person having a service qualification; and

(*h*) those unable or likely to be unable to go in person to the polling station by reason of the general nature of the occupation, service or employment of, and their resulting absence from their qualifying address to be with, their husband or wife.

(2) A person registered as a service voter may vote by proxy unless he is entitled in pursuance of an application made under subsection (4) below to vote by post.

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(3) A person not registered as a service voter if unable or likely to be unable to go in person to the polling station by reason either—

(*a*) of the general nature of his occupation, service or employment, or

(*b*) of his service as a member of any of Her Majesty's reserve or auxiliary forces,

may vote by proxy if he applies to be treated as an absent voter and is likely to be at sea or out of the United Kingdom on the date of the poll.

(4) A person mentioned in paragraphs (*a*) to (*f*) of subsection (1) above may vote by post if he applies to be treated as an absent voter and provides an address in the United Kingdom to which a ballot paper is to be sent for the purpose, but—

(*a*) a person shall not be entitled to vote by post if he is not registered as a service voter and there is in force an appointment of a proxy to vote for him; and

(*b*) a person shall not be entitled to vote by post on the ground that he no longer resides at his qualifying address if at the time of his application he resides at an address in the same area; and

(*c*) a person registered as a service voter shall not be entitled to vote by post on any ground other than his being so registered.

For the purposes of this subsection an address shall not be treated as in the same area as a qualifying address unless it would be so treated under section 22(3) below for the purposes of that section.

(5) A person who is not registered as a service voter but who either—

(*a*) has made a service declaration in respect of a qualification depending on marriage as described in subsection (1) above, or

(*b*) is as a married person unable or likely to be unable to go to the poll by reason of absence in the circumstances there described,

has the like right to vote by proxy and, in the case dealt with by paragraph (*b*) above, the like right to vote by post as a person unable or likely to be unable to go to the poll by reason of the general nature of his occupation, service or employment.

(6) A person, whether registered as a service voter or not—

(*a*) may vote in person as an elector notwithstanding any appointment of a proxy to vote for him, if he applies

for a ballot paper for the purpose before a ballot paper has been issued for him to vote by proxy; but

(*b*) shall not be entitled to vote in person as an elector—

(i) where he may vote by proxy by virtue of an appointment for the time being in force and he does not so apply; or

(ii) where he has applied to be treated as an absent voter and is entitled in pursuance of the application to vote by post.

(7) A person not registered as a service voter may vote at any polling station in the constituency if he is entitled to vote in person but unable or likely to be unable to go to the polling station allotted to him by reason of the particular circumstances of his employment on the date of the poll either—

(*a*) as a constable; or

(*b*) by the returning officer, for a purpose connected with the election.

(8) Nothing in this section confers a right to vote on a person not having the right apart from this section.

Absent voters at parliamentary elections.

20.—(1) An application to be treated as an absent voter at parliamentary elections shall be made to the registration officer and shall be allowed by him if he is satisfied that the applicant is, or will if registered be, entitled under section 19 above to vote as an absent voter.

(2) The application shall be for a particular election only, unless it is based on—

(*a*) the general nature of the applicant's occupation, service or employment; or

(*b*) the applicant's physical incapacity; or

(*c*) the necessity of a journey by sea or air to go from the applicant's qualifying address to his polling station; or

(*d*) the ground that the applicant no longer resides at his qualifying address.

(3) An application based on one of the grounds mentioned in subsection (2) above shall be for an indefinite period but where such an application is allowed the applicant shall cease to be entitled to be treated as an absent voter in pursuance of it if—

(*a*) he applies to the registration officer to be no longer so treated; or

(*b*) he ceases to be registered at the same qualifying address or becomes so registered as a service voter; or

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(*c*) the registration officer gives notice that he has reason to believe there has been a material change of circumstances, and the prescribed period elapses after the giving of the notice.

(4) This section applies to an application based on the grounds related to the applicant's marriage referred to in paragraphs (*g*) and (*h*) of section 19(1) as it applies to an application based on the general nature of the applicant's occupation, service or employment.

(5) The registration officer shall keep a record of absent voters and of the addresses provided by them as the addresses to which their ballot papers are to be sent.

Proxies at parliamentary elections.

21.—(1) A person is not entitled to have more than one person at a time appointed as a proxy to vote for him at a parliamentary election.

(2) A person is not capable of being appointed to vote or of voting as proxy at a parliamentary election unless—

(*a*) he is not subject (age apart) to any legal incapacity to vote at a parliamentary election as an elector, and

(*b*) he is either a Commonwealth citizen or a citizen of the Republic of Ireland,

and a person is not entitled to vote as proxy at the same election in any constituency on behalf of more than two electors of whom that person is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(3) A person otherwise qualified is capable of voting as proxy at a parliamentary election at which he is of voting age on the date of the poll, and of being appointed proxy for that purpose before he is of voting age.

(4) Subject to the foregoing provisions of this section a person is capable of being appointed proxy to vote at a parliamentary election and may vote in pursuance of the appointment.

(5) The appointment shall be made by the registration officer by means of a proxy paper issued by him on the elector's application, and it is the registration officer's duty to issue a proxy paper in pursuance of any application duly made to him, if he is satisfied—

(*a*) that the applicant is or will be registered for elections to which the application relates and entitled in respect of that registration to have a proxy appointed; and

(*b*) that the proxy is capable of being and willing to be appointed.

(6) The appointment may be cancelled by the elector by giving notice to the registration officer and shall cease to be in force on the issue of a proxy paper appointing a different person to vote for him, whether in respect of the same registration or elsewhere, but, subject to that, shall remain in force—

(*a*) in the case of an appointment for a person registered as a service voter, for all elections for which he remains registered as a service voter at the same qualifying address ; and

(*b*) in the case of an appointment for a person not registered as a service voter, for all elections at which he is entitled to vote by proxy in pursuance of the same application to be treated as an absent voter.

(7) Stamp duty is not chargeable on any instrument appointing a proxy under this section.

(8) The registration officer shall keep a record of electors for whom proxies have been appointed and of the names and addresses of the persons appointed.

Voting as proxy at parliamentary elections.

22.—(1) A person voting as proxy for an elector at a parliamentary election shall do so in person at the elector's polling station, except in so far as this section entitles the proxy to vote by post.

(2) A proxy may exercise the right to vote as such at a parliamentary election by post if—

(*a*) he applies so to do and provides an address in the United Kingdom to which a ballot paper is to be sent for the purpose ; and

(*b*) either—

(i) he is entitled to vote by post as an absent voter at the election ; or

(ii) that address is not in the same area as the elector's qualifying address.

(3) For the purposes of this section, an address shall not be treated as in the same area as a qualifying address unless—

(*a*) both addresses are in the same electoral division of Greater London, or

(*b*) both addresses are in the same electoral division of a county in England and, if either address is in a parish, both are in the same parish, or

(*c*) both addresses are in the same electoral division of a county in Wales and in the same community, or

(*d*) both addresses are in the same electoral division in Scotland, or

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(*e*) both addresses are in the same ward in Northern Ireland.

(4) A proxy is not entitled to exercise the right to vote as such in person at any election for which his application to exercise that right by post is allowed.

(5) Any such application shall be made to the registration officer and shall be allowed by him in any case where he is satisfied—

(*a*) that the elector is or will be registered as such for elections to which the application relates ; and

(*b*) that there is in force an appointment of the applicant as his proxy to vote in respect of that registration ; and

(*c*) that the conditions entitling the applicant to vote by post are fulfilled.

(6) Where any such application is based on the applicant's right to vote by post as an elector, then—

(*a*) if that right extends only to a particular election, the application shall also extend only to that election ;

(*b*) in any other case, the application shall be for an indefinite period but, where it is allowed, the applicant shall cease to be entitled to vote by post in pursuance of that right if—

(i) he ceases to have the right to vote by post as an elector, or has that right only by virtue of a new application ; or

(ii) he ceases to be proxy for the elector, or is so only by virtue of a new appointment.

(7) Where any such application is based on the situation of the address to which the ballot paper is to be sent, it shall be for an indefinite period but, if it is allowed, the applicant shall cease to be entitled to vote by post in pursuance of it if—

(*a*) he applies for a ballot paper not to be sent to that address ; or

(*b*) he ceases to be proxy for the elector, or is so only by virtue of a new appointment.

(8) The registration officer shall keep a record of the persons whose applications to vote by post as proxy are for the time being allowed and of the addresses provided by them as the addresses to which their ballot papers are to be sent.

Conduct of parliamentary elections

Rules for parliamentary elections.

23.—(1) The proceedings at a parliamentary election shall be conducted in accordance with the parliamentary elections rules in Schedule 1 to this Act.

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(2) It is the returning officer's general duty at a parliamentary election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by those parliamentary elections rules.

(3) No parliamentary election shall be declared invalid by reason of any act or omission by the returning officer or any other person in breach of his official duty in connection with the election or otherwise of the parliamentary elections rules if it appears to the tribunal having cognizance of the question that—

(*a*) the election was so conducted as to be substantially in accordance with the law as to elections; and

(*b*) the act or omission did not affect its result.

Returning officers: England and Wales.

24.—(1) In England and Wales, the returning officer for a parliamentary election is—

(*a*) in the case of a county constituency which is coterminous with or wholly contained in a county, the sheriff of the county;

(*b*) in the case of a borough constituency which is coterminous with or wholly contained in a district, the chairman of the district council;

(*c*) in the case of any other constituency wholly outside Greater London, such sheriff or chairman of a district council as may be designated in an order by the Secretary of State made by statutory instrument;

(*d*) in the case of a constituency which is coterminous with or wholly contained in a London borough, the mayor of the borough;

(*e*) in the case of a constituency wholly or partly in Greater London which is situated partly in one London borough and partly in a district or any other London borough, the mayor of such London borough or the chairman of such district council as may be designated in an order by the Secretary of State made by statutory instrument.

The City, the Inner Temple and the Middle Temple shall be treated for the purposes of this section as if together they formed a London borough.

(2) A parliamentary election is not liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

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Returning officers: Scotland.

25.—(1) In Scotland, the returning officer for a parliamentary election is—

(*a*) in the case of a constituency wholly situated in one region or islands area, the person under section 41 below who is, or who may discharge the functions of, the returning officer at elections of councillors for the regional or islands council;

(*b*) in the case of a constituency situated in more than one region or islands area, such person mentioned above as the Secretary of State may by order direct.

(2) The council of a region or of an islands area shall place at the disposal of the returning officer for a constituency wholly or partly situated in that region or islands area, for the purpose of assisting the returning officer in the discharge of any functions conferred on him in relation to a parliamentary election in that constituency, the services of officers employed by the council.

(3) The council of a district shall, if so requested by the returning officer for a constituency wholly or partly situated in that district, place at the returning officer's disposal, for the purpose of assisting him as mentioned in subsection (2) above, the services of officers employed by the council.

Returning officer: Northern Ireland.

26. In Northern Ireland, the Chief Electoral Officer for Northern Ireland is the returning officer for each constituency.

Returning officers generally.

27.—(1) It is for the returning officer as such to execute the writ for a parliamentary election, and the office of returning officer is a distinct office from that by virtue of which he becomes returning officer.

(2) Where a person takes any office by virtue of which he becomes returning officer, he (and not the outgoing holder of the office) shall complete the execution of any writ for a parliamentary election previously issued and not yet returned.

(3) A person is not subject to any incapacity to vote at a parliamentary election by reason of being or acting as returning officer at that election.

Discharge of returning officer's functions in England and Wales.

28.—(1) In England and Wales the duties of the returning officer for a parliamentary election (except those mentioned in subsection (2) below) shall be discharged, as acting returning officer—

(*a*) in the case of a constituency for which the chairman of a district council or the mayor of a London borough

is returning officer by virtue of section 24(1) above, by the registration officer appointed by that council;

(*b*) in the case of any other constituency, by such registration officer as may be designated in an order made by the Secretary of State.

(2) The duties excepted from subsection (1) above are—

(*a*) any duty imposed on a returning officer under rule 3 of the parliamentary elections rules; and

(*b*) any duty so imposed under rule 50 of those rules which the person (if any) who for the time being holds the office of returning officer reserves to himself and undertakes to perform in person.

(3) The returning officer shall give to the acting returning officer written notice of any duties which he reserves to himself under paragraph (*b*) of subsection (2) above, and that paragraph shall, in the case of any election, apply to the duties (if any) of which the notice is so given not later than the day following that on which the writ is received, and to no others.

(4) In the discharge of the duties imposed by subsection (1) an acting returning officer has all the powers, obligations, rights and liabilities of the returning officer under this Act, and this Act has effect accordingly.

(5) An acting returning officer has power to appoint deputies to discharge all or any of those duties, but the appointment requires the Secretary of State's approval where the deputy's powers extend—

(*a*) to matters other than the receipt of nomination papers and connected matters; or

(*b*) to the taking or deciding of objections to nomination papers.

(6) Section 25 of the Sheriffs Act 1887 (death of sheriff) does not authorise the under-sheriff to discharge the duties of returning officer, and upon a sheriff's death the acting returning officer shall discharge all the sheriff's duties as returning officer until another sheriff is appointed and has made the declaration of office. 1887 c. 55.

Payments by and to returning officer.

29.—(1) No consideration shall be given by or to a returning officer for the making out, receipt, delivery or return of the writ for a parliamentary election or, subject to the following provisions of this section, otherwise in connection with its execution.

(2) Nothing in subsection (1) above shall be taken as applying to any inclusive salary payable to a returning officer in

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respect of the office by virtue of which he becomes returning officer.

(3) The Treasury shall by statutory instrument prescribe a scale of maximum charges in respect of services rendered and expenses incurred by a returning officer for the purposes of or in connection with parliamentary elections, and may revise the scale as and when they think fit.

(4) A returning officer shall be entitled to his reasonable charges, not exceeding the sums specified in that scale, in respect of services and expenses of the several kinds so specified which have been properly rendered or incurred by him for the purposes of or in connection with a parliamentary election.

(5) The amount of any such charges shall be charged on and paid out of the Consolidated Fund on an account being submitted to the Treasury, but the Treasury may if they think fit, before payment, apply for the account to be taxed under the provisions of section 30 below.

(6) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this section as part of a returning officer's charges at a parliamentary election, then on an account being submitted to the Treasury a sum equal to the increase shall be charged on and paid out of the Consolidated Fund to the authority.

(7) On the returning officer's request for an advance on account of his charges, the Treasury may, on such terms as they think fit, make such an advance.

(8) The Treasury may make regulations as to the time when and the manner and form in which accounts are to be rendered to them for the purposes of the payment of a returning officer's charges.

Taxation of returning officer's account.

30.—(1) An application for a returning officer's account to be taxed shall be made—

(*a*) where the account relates to an election in a constituency in England or Wales or in Northern Ireland, to the county court,

(*b*) where the account relates to an election in a constituency in Scotland, to the Auditor of the Court of Session,

and in this section the expression " the court " means that court or Auditor.

(2) On any such application the court has jurisdiction to tax the account in such manner and at such time and place as the

court thinks fit, and finally to determine the amount payable to the returning officer. PART I

(3) On any such application the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to with or without costs; and the determination of the court shall be final for all purposes and as against all persons.

(4) Any reference in this section to the county court shall be taken, in relation to Northern Ireland, as a reference to the county court having jurisdiction at the place for the delivery of nomination papers at the election in question.

Place and manner of voting at local government elections

Polling districts and stations at local government elections.

31.—(1) For elections of county councillors (other than councillors of the Greater London Council), the county council may divide an electoral division into polling districts, and may alter any polling district, and for elections of London borough or district councillors the London borough or district council may divide the London borough or district or any ward thereof into polling districts, and may alter any polling district.

(2) In Scotland, for elections of regional or islands councillors the regional or islands council may divide an electoral division into polling districts and may alter any polling district, and for elections of district councillors the district council may divide a ward into polling districts and may alter any polling district; but in the absence of special circumstances those polling districts shall be those which were last designated for the purpose of parliamentary elections under section 18 above.

(3) Any power to constitute polling districts for the purpose of local government elections shall be exercised so that electors from any parliamentary polling district wholly or partly within the electoral area can, in the absence of special circumstances, be allotted to a polling station within the parliamentary polling place for that district unless the parliamentary polling place is outside the electoral area.

(4) Any polling district formed for the purpose of the election of councillors for any ward of a London borough shall, if the ward is wholly included in the electoral area for the election of a councillor of the Greater London Council, be a polling district for the election of a councillor of that Council for that electoral area.

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(5) If the polling districts in an electoral area for the election of a councillor of the Greater London Council or in part of such an area are not determined by subsection (4) above—

(*a*) the council of the London borough which includes that electoral area, or

(*b*) in the case of an electoral area which includes the City, the Inner Temple and the Middle Temple, the City of Westminster,

may divide that area or, as the case may be, that part of that area, into polling districts, and may alter any polling district, and subsection (3) above applies to the power conferred by this subsection.

Voting at local government elections.

32.– (1) All persons voting as electors at a local government election shall do so in person at the polling station allotted to them by the rules under section 36 or section 42 below except in so far as this section makes exceptions for—

(*a*) those registered as service voters;

(*b*) those unable or likely to be unable to go in person to the polling station for one of the following reasons—

(i) the general nature of the occupation, service or employment of the person in question;

(ii) that person's service as a member of Her Majesty's reserve or auxiliary forces;

(iii) the particular circumstances of that person's employment on the date of the poll either as a constable or, for a purpose connected with the election, by the returning officer;

(iv) at an ordinary election, the fact that that person is acting as returning officer at an ordinary election of councillors for some other electoral area;

(v) at an ordinary election, the particular circumstances of that person's employment on the date of the poll by the returning officer at an ordinary election of councillors for some other electoral area for a purpose connected with the election in that area;

(*c*) those unable or likely to be unable, by reason either of blindness or any other physical incapacity or of religious observance, to go in person to the polling station or, if able to go, to vote unaided;

(*d*) those unable or likely to be unable to go in person from their qualifying address to the polling station without making a journey by air or sea;

(*e*) those registered by virtue of a patient's declaration under section 7 above;

(*f*) those who have a service qualification depending on marriage to, and residence outside the United Kingdom to be with, a person having a service qualification; and

(*g*) those unable or likely to be unable to go in person to the polling station by reason of the general nature of the occupation, service or employment of, and their resulting absence from their qualifying address to be with, their husband or wife.

(2) A person registered as a service voter may at any local government election vote by proxy.

(3) Where—

(*a*) a person is registered at the same qualifying address both as a parliamentary and as a local government elector, and is not so registered as a service voter, and

(*b*) there is in force an appointment of a proxy to vote for him at parliamentary elections in respect of that registration, being an appointment based on the general nature of his occupation, service or employment,

then, in respect of that registration, at local government elections at which postal voting is allowed he shall be treated as an absent voter and may vote by proxy.

(4) Unless treated as an absent voter under subsection (3) above, any of the persons mentioned in paragraphs (*b*) to (*e*) of subsection (1) above who is not registered as a service voter may vote by post at any local government election at which postal voting is allowed, if he applies to be treated as an absent voter and provides an address in the United Kingdom to which a ballot paper is to be sent for the purpose.

(5) A person who is not registered as a service voter but who either—

(*a*) has made a service declaration in respect of a qualification depending on marriage as described in subsection (1), or

(*b*) is as a married person unable or likely to be unable to go to the poll by reason of absence in the circumstances there described,

has the like right to vote by proxy and, in the case dealt with by paragraph (*b*) above, the like right to vote by post as a person unable or likely to be unable to go to the poll by reason of the general nature of his occupation, service or employment.

(6) A person, whether registered as a service voter or not—

(*a*) may vote in person as an elector notwithstanding any appointment of a proxy to vote for him, if he applies for a ballot paper for the purpose before a ballot paper has been issued for him to vote by proxy; but

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(*b*) shall not be entitled to vote in person as an elector—

(i) where he may vote by proxy by virtue of an appointment for the time being in force and he does not so apply ; or

(ii) where he has applied to be treated as an absent voter and is entitled in pursuance of the application to vote by post.

(7) A person not registered as a service voter, if he is entitled to vote in person, but unable or likely to be unable to go in person to the polling station allotted to him by reason of the particular circumstances of his employment on the date of the poll either as a constable or, for a purpose connected with the election by the returning officer, may vote at any polling station of the electoral area.

(8) Postal voting shall be allowed at all local government elections, except, in England and Wales, elections of parish or community councillors.

(9) Nothing in this section shall be taken as conferring a right to vote on a person not having the right apart from this section.

Absent voters at local government elections.

33.—(1) An application to be treated as an absent voter at local government elections shall be made to the registration officer and shall be allowed by him if he is satisfied that the applicant is, or will if registered be, entitled under section 32 above to vote as an absent voter.

(2) The application shall be for a particular election only, if it is based on—

(*a*) the applicant's service as a member of any of Her Majesty's reserve or auxiliary forces ; or

(*b*) the fact that the applicant is acting as returning officer in some other electoral area ; or

(*c*) the particular circumstances of the applicant's employment on the date of the poll either as a constable or by a returning officer ;

(*d*) religious observance ; or

(*e*) a patient's declaration under section 7 above.

(3) An application not based on one of the grounds mentioned in subsection (2) above shall be for an indefinite period but, where such an application is allowed, the applicant shall cease to be entitled to be so treated as an absent voter in pursuance of it if—

(*a*) he applies to the registration officer to be no longer so treated ; or

(*b*) he ceases to be registered at the same qualifying address, or becomes so registered as a service voter ; or

(*c*) the registration officer gives notice that he has reason to believe that there has been a material change of circumstances, and the prescribed period elapses after the giving of notice.

(4) The registration officer shall keep a record of absent voters and of the addresses provided by them as the addresses to which their ballot papers are to be sent.

Proxies at local government elections.

34.—(1) Except in the case of a service voter who is as a peer subject to a legal incapacity to vote at parliamentary elections, no person shall be specially appointed proxy to vote at local government elections, but any appointment of a person to vote as proxy at parliamentary elections shall have effect also for the purpose of local government elections.

(2) Subject to subsection (3) below, in the case of a service voter who is as a peer subject to a legal incapacity to vote at parliamentary elections, any person shall be capable of being appointed proxy to vote at local government elections for him and may vote in pursuance of the appointment, but not more than one person at a time shall be appointed on behalf of any service voter.

(3) A person—

(*a*) is not capable of being appointed under subsection (2) above to vote, or of voting, as proxy at a local government election unless he is not subject (age apart) to any legal incapacity to vote at the election as an elector and is either a Commonwealth citizen or a citizen of the Republic of Ireland ;

(*b*) otherwise qualified is capable of voting as proxy at a local government election at which he is of voting age on the date of the poll, and of being appointed proxy for that purpose before he is of voting age.

(4) A person voting as proxy at a local government election may do so by post if—

(*a*) he applies to vote as proxy by post and provides an address in the United Kingdom to which a ballot paper is to be sent for the purpose, and

(*b*) he is entitled to vote by post as an absent voter at the election,

but a person voting as proxy at a local government election, unless entitled to do so by post, shall do so in person at the elector's polling station.

(5) The registration officer shall keep a record of electors for whom proxies have been appointed and of the names and addresses of the persons appointed.

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(6) Subsections (5) to (7) of section 21 and subsections (4), (5), (6) and (8) of section 22 above apply for the purposes of local government elections as they apply for the purposes of parliamentary elections.

Conduct of local government elections in England and Wales

Returning officers: local elections in England and Wales.

35.—(1) In England and Wales every county council shall appoint an officer of the council to be the returning officer for elections of councillors of the county and every district council shall appoint an officer of the council to be the returning officer for the elections of councillors of the district and an officer of the council to be the returning officer for elections of councillors of parishes or communities within the district.

(2) The returning officer at an election of a councillor of the Greater London Council shall be the proper officer of the borough which constitutes or includes the electoral area for which the election is held or, in the case of the electoral area which includes the City, the Inner Temple and the Middle Temple, the proper officer of the City of Westminster.

(3) The returning officer at an election of London borough councillors shall be the proper officer of the borough.

(4) The returning officer at any election mentioned in subsections (1) to (3) above may by writing under his hand appoint one or more persons to discharge all or any of his functions.

(5) A local government election in England and Wales is not liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

Local elections in England and Wales.

36.—(1) Elections of councillors for local government areas in England and Wales shall be conducted in accordance with rules made by the Secretary of State.

(2) Rules made under this section shall apply the parliamentary elections rules in Schedule 1 to this Act, subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.

(3) When the following ordinary elections fall to be held in the same year—

(*a*) the ordinary election of district councillors for any district ward, and

(*b*) the ordinary election of parish or community councillors for any parish or community, or any parish or community ward, which is coterminous with or situated in that district ward,

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the polls at those elections shall be taken together and one-half of the cost of taking the combined polls shall be treated as attributable to the holding of each election.

(4) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor for a principal area (that is, a county, Greater London, a district or a London borough) shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council for that area, exceed that scale, be paid by that council.

(5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a parish or community councillor shall, in so far as it does not, in cases where there is a scale fixed for the purposes of this section by the council of the district in which the parish or the community is situated, exceed that scale, be paid by the district council, but any expenditure so incurred shall be chargeable only on the parish or community for which the election is held.

(6) Before a poll is taken at an election of a councillor for any local government area in England and Wales the council of that area or, in the case of an election of a parish or community councillor, the council who appointed the returning officer shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

(7) Rules made under this section shall be—

(*a*) made by statutory instrument ;

(*b*) subject to annulment in pursuance of a resolution of either House of Parliament.

Ordinary day of local elections in England and Wales.

37. In every year the ordinary day of election of councillors is the same for all local government areas in England and Wales and is—

(*a*) the first Thursday in May ;

(*b*) such other day as may be fixed by the Secretary of State by order made not later than 1st February in the year preceding the first year in which the order is to take effect.

The power to make an order under this section is exercisable by statutory instrument.

Nominations and candidate's death in local election in England and Wales.

38.—(1) At local government elections in England and Wales—

(*a*) the nomination paper shall give for each person subscribing it his electoral number (that is, his number as an elector for the electoral area) ; and

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(*b*) a telegram (or any similar means of communication) consenting to a nomination shall be admissible instead of the candidate's written consent.

(2) If at a contested local government election in England and Wales proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died, then the returning officer—

(*a*) shall countermand the poll, or

(*b*) if polling has begun, shall direct that the poll be abandoned,

and the provisions of section 39(5) below shall apply.

Local elections void etc. in England and Wales.

39.—(1) If in England and Wales at an election of a councillor for a local government area—

(*a*) the poll is countermanded or abandoned for any reason, or

(*b*) no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held,

the returning officer (or, in the case of an election of a councillor of the Greater London Council, the proper officer of the Council) shall order an election to fill any vacancy which remains unfilled to be held on a day appointed by him.

That day shall be within the period of 42 days (computed according to section 40 below) beginning with the day fixed as the day of election for the first-mentioned election.

1972 c. 70.

(2) If for any other reason an election to an office under the Local Government Act 1972, other than that of chairman of a parish or community council or parish meeting or parish or community councillor, is not held on the appointed day or within the appointed time, or fails either wholly or in part or becomes void, the High Court may order an election to be held on a day appointed by the court.

(3) The High Court may order that the costs incurred by any person in connection with proceedings under subsection (2) above shall be paid by the local authority concerned.

(4) In a case not falling within subsection (1) above—

(*a*) if any difficulty arises with respect to an election of parish or community councillors or of an individual parish or community councillor, or to the first meeting of a parish or community council after an ordinary election of parish or community councillors, or

(*b*) if a parish or community council is not properly constituted because an election is not held or is defective or for any other reason,

the district council—

(i) may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such an election or meeting and properly constituting the council, and

(ii) may, if it appears to them necessary, direct the holding of an election or meeting and fix the date for it.

(5) Where an election is ordered to be held under this section—

(*a*) rules under section 36 above relating to the notice to be given of an election and the manner in which an election is to be conducted apply in relation to the election so ordered to be held as they applied or would have applied in relation to the election which has not been duly held or has failed or become void;

(*b*) no fresh nomination is necessary in the case of a candidate who remains validly nominated for that election.

(6) An order made—

(*a*) under this section may include such modifications of the provisions of—

(i) this Part of this Act (and the rules under section 36), and

(ii) the Local Government Act 1972, 1972 c. 70.

as appear to the High Court, or, as the case may be, the district council, necessary or expedient for carrying the order into effect;

(*b*) by a district council under subsection (4) above with respect to an election of parish or community councillors may modify the provisions of—

(i) this Act (and the rules with respect to such elections under section 36); and

(ii) any other enactment relating to such elections.

(7) In the case of a common parish council under which are grouped, by virtue of section 11(5) of the Local Government Act 1972 (grouping of parishes), parishes situated in different districts, references in subsections (4) and (6) above to the district council shall be construed as references to the council of the district in which there is the greater number of local government electors for the parishes in the group.

(8) Two copies of every order made by a district council under this section shall be sent to the Secretary of State.

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(9) If a municipal election in a London borough is not held on the appointed day or within the appointed time or becomes void, the municipal corporation shall not thereby be dissolved or be disabled from acting.

Timing as to local elections in England and Wales.

40.—(1) When the day on which anything is required to be done by section 37 or section 39 above is a Sunday, day of the Christmas break, of the Easter break or of a bank holiday break or a day appointed for public thanksgiving or mourning, the requirement shall be deemed to relate to the first day thereafter which is not one of the days specified above.

In this subsection—

"bank holiday break" means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last week day before that bank holiday and ending with the next week day which is not a bank holiday;

"Christmas break" means the period beginning with the last day before Christmas Day and ending with the first week day after Christmas Day which is not a bank holiday;

"Easter break" means the period beginning with the Thursday before and ending with the Tuesday after Easter day.

(2) Where under subsection (1) above the day of election is postponed, the day to which it is postponed shall be treated for the purposes of this Act and the Local Government Act 1972 as the day of election.

1972 c. 70.

(3) In computing any period of time for the purpose of any rules under section 36 above or for the purposes of section 39 any day specified in subsection (1) shall be disregarded; but where between the giving of a notice of election and the completion of the poll a day is declared to be a bank holiday or day of public thanksgiving or mourning, the foregoing provison, so far as it relates to any such rules, shall not operate to invalidate any act which would have been valid apart from that provision.

This subsection, so far as it relates to any such rules, has effect subject to the provisions of those rules.

Conduct of local government elections in Scotland

Returning officers: local elections in Scotland.

41.—(1) Every local authority in Scotland shall appoint an officer of the authority to be the returning officer for each election of councillors for the authority, and if the person so appointed dies, resigns or is for any other reason unable to act,

the authority may appoint another person to be returning officer at that election.

(2) A returning officer in Scotland appointed under this Act may by writing under his hand appoint one or more persons to discharge all or any of his functions.

(3) A local government election in Scotland is not liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

Local elections in Scotland.

42.—(1) Elections of councillors for local government areas in Scotland shall be conducted in accordance with rules made by the Secretary of State.

(2) Rules made under this section shall apply the parliamentary elections rules in Schedule 1 to this Act subject to such adaptations, alterations and exceptions as seem appropriate to the Secretary of State.

(3) Without prejudice to the generality of subsection (2) above, rules made under this section shall prescribe that the nomination paper of a candidate for election as a councillor for a local government area in Scotland shall contain a statement declaring that the candidate—

(*a*) consents to be nominated as a candidate;

(*b*) if elected, will accept office as a councillor and will faithfully perform the duties of the office;

(*c*) has attained the age of 21 years and is a Commonwealth citizen or citizen of the Republic of Ireland and not subject to any legal incapacity, and

(*d*) is not subject to any of the disqualifications for office set out in section 31 of the Local Government (Scotland) Act 1973 (disqualifications for office as local authority member). 1973 c. 65.

(4) The statement mentioned in subsection (3) above shall also contain particulars of the candidate's qualification for office under paragraphs (*a*) to (*d*) of section 29(1) of that Act of 1973 (qualifications for office as local authority member), in such form as may be prescribed by rules made under this section.

(5) All expenditure properly incurred by a returning officer in relation to the holding of an election of a councillor to a local authority shall be paid by the council of that authority, but only (in cases where there is a scale fixed for the purposes of this section by that council) in so far as it does not exceed that scale.

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(6) Before a poll is taken at an election for a councillor for a local government area in Scotland, the council for that area shall, at the request of the returning officer or of any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

(7) Rules made under this section shall be—

(*a*) made by statutory instrument;

(*b*) subject to annulment in pursuance of a resolution of either House of Parliament.

Day of ordinary local elections in Scotland, and other timing provisions.

43.—(1) In every year in which ordinary elections of councillors for local government areas in Scotland are held, the day of election is the first Thursday in May.

(2) Where—

(*a*) the day or the last day on which anything is required or permitted to be done by any rules under section 42 above, or

(*b*) the day on which anything is required to be done under subsection (1) above, or section 44(2) or section 45(1) below,

is a Sunday, Christmas Day, New Year's Day, Good Friday, bank holiday, or a public holiday, or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned, but, save as aforesaid or as otherwise expressly provided in this Act or by the Local Government (Scotland) Act 1973, in reckoning a number of days for the purposes of this Act, the days before specified shall not be excluded.

1973 c. 65.

(3) Where an election is postponed under subsection (2) above, the day on which the election is held shall be treated as the day of election for all purposes of this Act or that Act of 1973 relating to that election.

(4) Where a day is declared to be a bank holiday or day of public thanksgiving or mourning, nothing in subsection (3) above affects the validity of any act done in relation to an election before or on the date of the declaration.

Candidate's death in local election in Scotland.

44.—(1) If at a contested election of a councillor for a local authority in Scotland proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as a candidate in the ballot papers has died, then the returning officer—

(*a*) shall countermand the poll, or

(*b*) if polling has begun, shall direct that the poll be abandoned.

(2) The returning officer for the election which by reason of such countermanding or abandonment has not been duly held or has failed—

(*a*) shall order an election to be held as soon as practicable after that, on a date to be fixed by him ; and

(*b*) shall remain the returning officer for that election.

(3) At any such election, no fresh nomination is necessary in the case of a candidate who remained validly nominated for the election in respect of which the poll was countermanded or abandoned.

Non-election of local authority etc. in Scotland. 1973 c. 65.

45.—(1) If in Scotland—

(*a*) for any reason a local authority or members of a local authority are not elected in accordance with the provisions of this Act and the Local Government (Scotland) Act 1973, and the case is not otherwise provided for, or

(*b*) there is for any reason no legally constituted local authority for any area, or

(*c*) the number of members of a local authority then in office is less than the quorum ascertained in accordance with the provisions of Schedule 7 to that Act of 1973 (meetings and proceedings of local authorities),

the Secretary of State may direct the holding of an election for filling such vacancies as exist, and the election shall be held as soon as practicable after that, on a date to be fixed by him.

(2) The Secretary of State may in that direction—

(*a*) make such provision as appears to him expedient for authorising any person to act in place of a local authority pending the election of members of the authority by an election under subsection (1) above ; and

(*b*) make such incidental, consequential, transitional or supplemental provision as appears to him to be necessary or proper.

Supplemental provisions as to local government elections

Further provision as to local election voting.

46.—(1) At a local government election for any electoral area no person shall as an elector and no person shall as proxy for any one elector—

(*a*) give more than one vote for any one candidate ; or

(*b*) give more votes in all than the total number of councillors to be elected for the electoral area.

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(2) No person is subject to any incapacity to vote at a local government election by reason of his being or acting as returning officer at that election.

Loan of equipment for local elections.

47.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament, may, on request, be lent to the returning officer at a local government election on such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to—

1972 c. 70.

(*a*) a local authority within the meaning of the Local Government Act 1972, or

1973 c. 65.

(*b*) a local authority within the meaning of the Local Government (Scotland) Act 1973,

as the case may be, shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under those Acts on such terms and conditions as may be agreed.

Validity of local elections, and legal costs.

48.—(1) No local government election shall be declared invalid by reason of any act or omission of the returning officer or any other person in breach of his official duty in connection with the election or otherwise of rules under section 36 or section 42 above if it appears to the tribunal having cognizance of the question that—

(*a*) the election was so conducted as to be substantially in accordance with the law as to elections ; and

(*b*) the act or omission did not affect its result.

(2) A local government election, unless questioned by an election petition within the period fixed by law for those proceedings, shall be deemed to have been to all intents a good and valid election.

(3) The council which is required to pay the expenses properly incurred by a returning officer in relation to any local government election may treat those expenses as including all costs properly incurred by the returning officer in connection with or in contemplation of any legal proceedings arising out of the election (including any criminal proceedings against the returning officer), whether or not the proceedings are in fact instituted.

(4) In Scotland the election of a member of a local authority shall not be affected by reason only of any nullity or irregularity in the election of any other member of the authority.

Supplemental provisions as to parliamentary and local government elections PART I

Effect of registers.

49.—(1) The register of parliamentary electors shall for the purposes of this Part of this Act be conclusive on the following questions—

(*a*) whether or not a person registered in it was on the qualifying date resident at the address shown;

(*b*) whether or not that address is in any constituency or any particular part of a constituency;

(*c*) whether or not a person registered as an elector in a constituency in Northern Ireland was during the whole of the period of three months ending on the qualifying date resident in Northern Ireland;

(*d*) whether or not a person registered in it is registered as a service voter.

(2) The register of local government electors shall for the purposes of this Part be conclusive on the following questions—

(*a*) whether or not a person registered in it was on the qualifying date resident at the address shown;

(*b*) whether or not that address is in any local government area or any particular part of a local government area;

(*c*) whether or not a person registered in it is registered as a service voter.

(3) The relevant special lists prepared under this Act for a parliamentary or local government election shall, for the purposes of this Part, be conclusive on the following questions—

(*a*) whether or not a person's right to vote at the election is exercisable by post;

(*b*) whether or not there is in force an appointment of a proxy to vote for any person and (if so) who is appointed.

(4) Any entry in the register of parliamentary or local government electors, if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Part relating to him as elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an election at which the day fixed for the poll is that or a later date.

(5) A person registered as a parliamentary or local government elector, or entered in the list of proxies, shall not be excluded from voting on the ground—

(*a*) that he is not a Commonwealth citizen or citizen of the Republic of Ireland, or

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(*b*) that he is not of voting age, or

(*c*) that he is otherwise subject to any legal incapacity to vote,

or that on the qualifying date or the date of his appointment, as the case may be—

(i) he was not a Commonwealth citizen or citizen of the Republic of Ireland, or

(ii) he was otherwise subject to any legal incapacity to vote,

but this provision shall not prevent the rejection of the vote on a scrutiny or affect his liability to any penalty for voting.

Effect of misdescription.

50. No misnomer or inaccurate description of any person or place named—

(*a*) in the register of parliamentary electors, or

(*b*) in the register of local government electors, or

(*c*) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Part of this Act, and the parliamentary elections rules,

affects the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Corrupt and illegal practices lists

51.—(1) The registration officer shall in each year make out a corrupt and illegal practices list containing—

(*a*) the names and descriptions of the persons who, though otherwise qualified to be registered in the register of parliamentary electors for each constituency or part of a constituency for which he acts, are not so qualified by reason of having been convicted or reported guilty of a corrupt or illegal practice ; and

(*b*) a statement of the offence of which each person has been found guilty.

(2) The proper officer of the authority of each local government area shall in each year make out a corrupt and illegal practices list containing—

(*a*) the names and descriptions of the persons, who, though otherwise qualified to be registered in the register of local government electors for the area for which he acts, are not so qualified by reason of having been convicted or reported guilty of a corrupt or illegal practice ; and

(*b*) a statement of the offence of which each person has been found guilty.

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Discharge of registration duties.

52.—(1) A registration officer shall comply with any general or special directions which may be given by the Secretary of State with respect to the arrangements to be made by the registration officer for carrying out his registration duties.

(2) Any of the duties and powers of a registration officer may be performed and exercised by any deputy for the time being approved by the Secretary of State or, in Scotland, by the council which appointed the registration officer, and the provisions of this Act apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.

(3) In England and Wales, any acts authorised or required to be done by or with respect to the registration officer may, in the event of his incapacity to act or of a vacancy, be done by the proper officer of the council by whom the registration officer was appointed.

(4) In England and Wales, a district council or a London borough council may assign officers to assist the proper officer of the council in acting on the requisition of a registration officer or otherwise carrying out any of his duties in relation to the registration of electors and the conduct of parliamentary elections upon such terms as may be agreed between the council and the person carrying out the duties.

(5) In Scotland, the council of a region or islands area may assign officers to assist the registration officer in carrying out any of his duties in relation to the registration of electors upon such terms as may be agreed between the council and the person carrying out the duties.

Power to make regulations as to registration etc.

53.—(1) Provision may be made by regulations—

(*a*) with respect to the form of the register of electors and of the electors lists or any special lists or records required by this Act in connection with the register or with any election;

(*b*) with respect to the procedure to be followed in the preparation of the register, the electors lists and any such special lists or records as mentioned above, and with respect to the time, place and manner of their publication; and

(*c*) generally with respect to any matters incidental to the provisions of this Act so far as those provisions relate to the registration of electors or to voting by post or proxy.

(2) Those incidental matters include the time and manner of preparation and publication and form of, and the making and

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determination of claims or objections with respect to, the corrupt and illegal practices lists.

(3) Without prejudice to the generality of subsections (1) and (2) above, regulations made with respect to the matters mentioned in those subsections may contain any such provisions as are mentioned in Schedule 2 to this Act.

Payment of expenses of registration.

54.—(1) Any expenses properly incurred by a registration officer in the performance of his registration duties (in this Act referred to as " registration expenses ") shall (except in Northern Ireland) be paid by the local authority by whom the registration officer was appointed.

(2) The registration expenses of the Chief Electoral Officer for Northern Ireland shall be paid out of moneys provided by Parliament.

(3) Any fees or other sums received by the registration officer in respect of his registration duties, other than sums paid to him in respect of his registration expenses—

(*a*) shall be accounted for by him and paid to the local authority by whom he was appointed;

(*b*) in the case of the Chief Electoral Officer for Northern Ireland, shall be accounted for by him to the Secretary of State and paid into the Consolidated Fund.

(4) On the request of a registration officer for an advance on account of registration expenses—

(*a*) the local authority by whom the registration officer was appointed may, if they think fit, make such an advance to him of such an amount and subject to such conditions as they may approve; or

(*b*) in the case of the Chief Electoral Officer for Northern Ireland, the Secretary of State may, if he thinks fit, make such an advance to him of such an amount and subject to such conditions as the Secretary of State may approve.

(5) Any registration expenses or contributions to them paid by the Common Council shall be paid out of the general rate and any sums paid to the Common Council under this section shall be placed to the credit of that rate.

Ascertainment of amount of registration expenses.

55.—(1) The registration expenses payable to a registration officer—

(*a*) include all proper and reasonable charges for his own personal remuneration for performing his registration duties and for the remuneration and expenses of any

staff provided by a local authority to enable him to perform them; but

(*b*) do not include any sum on account of the use of premises, furniture or equipment provided by a local authority in excess of the amount by which that authority's expenditure has been actually and directly increased by the use of those premises or of that furniture or equipment in connection with registration.

(2) The Secretary of State may frame a scale of registration expenses applicable to all or any class or classes of those expenses, and may alter the scale as and when he thinks fit, and any expenses incurred by a registration officer of a class to which the scale is applicable—

(*a*) shall be taken to be properly incurred if they do not exceed the maximum amount determined by or in accordance with the scale; and

(*b*) shall be taken not to have been properly incurred so far as they do exceed that amount, unless the sanction (whether previous or not) of the Secretary of State and of the local authority is specially given for the excess.

(3) Nothing in paragraph (*a*) of subsection (2) above shall be construed as entitling a registration officer to receive payments in excess of the expenses actually incurred by him, except his proper and reasonable charges for his own personal remuneration.

(4) If any question arises whether any expenses incurred by a registration officer of a class to which no scale framed under this section is applicable have been properly incurred or not, that question shall be referred to the Secretary of State, and his decision on the question shall be final.

(5) This section does not apply to Northern Ireland.

Registration appeals: England and Wales.

56.—(1) An appeal lies to the county court—

(*a*) from any decision under this Act of the registration officer on any claim for registration or objection to a person's registration made to and considered by him,

(*b*) from any decision under this Act of the registration officer disallowing a person's application to be treated as an absent voter or to vote by post as proxy, in any case where the application is not made for a particular election only,

(*c*) from any decision under this Act of the registration officer to place or not to place against any name in the register a mark indicating that the person registered is, or is not, registered as a service voter,

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(*d*) from any decision under this Act of the registration officer to make or not to make an alteration in a register as published,

but an appeal does not lie where the person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the registration officer on the matter which is the subject of the appeal, or has not given the prescribed notice of appeal within the prescribed time.

(2) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this section.

(3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given shall not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.

(4) Notice shall be sent to the registration officer in manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal by virtue of this section, and the registration officer shall make such alterations in the electors lists or register as may be required to give effect to the decision.

(5) The registration officer shall undertake such duties in connection with appeals brought by virtue of this section as may be prescribed and shall on any such appeal be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this subsection.

(6) This section applies in relation to decisions on claims and objections with respect to any corrupt and illegal practices list as it applies in relation to the decisions mentioned in subsection (1) above but as if a reference to that list were included in the reference to the electors list and with any other prescribed modifications.

Registration appeals: Scotland.

57.—(1) Section 56 above applies to Scotland subject to the following modifications—

(*a*) subsection (2) shall be omitted;

(*b*) an appeal lies on any point of law from any decision of the sheriff under this section to the court of three judges constituted under subsection (2) below; and

(*c*) for any reference to the Court of Appeal there shall be substituted a reference to that court of three judges.

(2) The court for hearing appeals under paragraph (*b*) of subsection (1) above shall consist of three judges of the Court of Session who shall be appointed by the Court of Session by act of sederunt and of whom one judge shall be appointed from each division of the Inner House and one from the Lords Ordinary in the Outer House; and the Principal Clerk of Session shall be the clerk of the court.

(3) The Court of Session may by act of sederunt fill any vacancy in the court of three judges, and regulate its sittings and forms of process so as to carry out the provisions of this Act; and acts of sederunt under this section may be made, and the court of three judges may sit, either during the sitting of the Court of Session or in vacation or recess.

Registration appeals: Northern Ireland.

58. Section 56 above, except subsections (2) and (4), applies to Northern Ireland, and—

(*a*) any decision of a county court upon a point of law under section 56(1) shall be appealable in the same way and subject to the same provisions as a corresponding decision under the law relating to the registration of electors for elections of members to sit in the Northern Ireland Assembly and the reference in subsection (3) of that section to the Court of Appeal shall be construed accordingly; and

(*b*) any power to make rules of court with respect to appeals under that law applies to appeals under this section.

Supplemental provisions as to members of forces and service voters.

59.—(1) In this Part of this Act, the expression " member of the forces "—

(*a*) means a person serving on full pay as a member of any of the naval, military or air forces of the Crown raised in the United Kingdom; but

(*b*) does not include a person serving only as a member of a reserve or auxiliary force except in so far as regulations provide that it shall include persons so serving during a period of emergency.

(2) Where a person—

(*a*) is not a member of the forces as defined by subsection (1) above, but

(*b*) is, in the performance of his duty as a member of any of Her Majesty's reserve or auxiliary forces, absent on the qualifying date from an address at which he has been residing,

any question arising under section 5(2) above whether his residence at that address has been interrupted on that date by

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his absence in the performance of that duty shall be determined as if the performance of it did not prevent his resuming actual residence at any time after that date.

(3) Arrangements shall be made by the appropriate government department for securing that (so far as circumstances permit) every person having a service qualification by virtue of paragraph (*a*) or (*b*) of section 14(1) above shall—

(*a*) have an effective opportunity of exercising from time to time as occasion may require the rights conferred on him by this Act in relation to the making and cancellation of service declarations and of appointments of a proxy, and in relation to voting by post; and

(*b*) receive such instructions as to the effect of this Act and any regulations made under it, and such other assistance, as may be reasonably sufficient in connection with the exercise by him and any wife of his or, as the case may be, by her and any husband of hers, of any rights conferred on them as mentioned above.

In this subsection " the appropriate government department " means, in relation to members of the forces, the Ministry of Defence, and in relation to any other person means the government department under which he is employed in the employment giving the service qualification.

(4) In relation to persons having a service qualification by virtue of paragraph (*c*) of section 14(1), the British Council shall be under a corresponding obligation to that imposed by subsection (3) above on the appropriate government department.

Offences

Personation.

60.—(1) A person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person shall be deemed to be guilty of personation at a parliamentary or local government election if he—

(*a*) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person ; or

(*b*) votes in person or by post as proxy—

(i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person ; or

(ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

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(3) For the purposes of this section, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

Other voting offences.

61.—(1) A person shall be guilty of an offence if—

(*a*) he votes in person or by post, whether as an elector or as proxy, or applies to be treated as an absent voter or to vote by post as proxy, at a parliamentary or local government election, knowing that he is subject to a legal incapacity to vote ; or

(*b*) he applies for the appointment of a proxy to vote for him at parliamentary or local government elections, knowing that he or the person to be appointed is subject to a legal incapacity to vote ; or

(*c*) he votes, whether in person or by post, or applies to vote by post, as proxy for some other person at a parliamentary or local government election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this subsection references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

(2) A person shall be guilty of an offence if—

(*a*) he votes as elector otherwise than by proxy either—

(i) more than once in the same constituency at any parliamentary election, or more than once in the same electoral area at any local government election ; or

(ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area ; or

(iii) in any constituency at a general election, or in any electoral area at such an ordinary election as mentioned above, when there is in force an appointment of a person to vote as his proxy at the election in some other constituency or electoral area ; or

(*b*) he votes as elector in person at a parliamentary or local government election at which he is entitled to vote by post ; or

(*c*) he votes as elector in person at a parliamentary or local government election, knowing that a person appointed

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to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election; or

(*d*) not being a service voter, he applies for a person to be appointed as his proxy to vote for him at parliamentary elections without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment.

(3) A person shall be guilty of an offence if—

(*a*) he votes as proxy for the same elector either—

(i) more than once in the same constitutency at any parliamentary election, or more than once in the same electoral area at any local government election; or

(ii) in more than one constituency at a general election, or in more than one electoral area at an ordinary election of councillors for a local government area which is not a single electoral area; or

(*b*) he votes in person as proxy for an elector at a parliamentary or local government election at which he is entitled to vote by post as proxy for that elector; or

(*c*) he votes in person as proxy for an elector registered as a service voter at a parliamentary or local government election knowing that the elector is entitled to vote by post at the election; or

(*d*) he votes in person as proxy for an elector at a parliamentary or local government election knowing that the elector has already voted in person at the election.

(4) A person shall also be guilty of an offence if he votes at a parliamentary election in any constituency as proxy for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(5) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under the foregoing subsections of this section.

(6) For the purposes of this section a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under subsection (4) above, a previous application made in circumstances

which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.

(7) An offence under this section shall be an illegal practice, but—

(*a*) the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and

(*b*) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this section of any agent of his other than an offence under subsection (5) above.

Offences as to declarations.

62.—(1) A person who—

(*a*) makes a patient's declaration or a service declaration—

(i) when he is not authorised so to do by section 7(4) or section 15(1) above, as the case may be, or

(ii) except as permitted by this Act, when he knows that he is subject to a legal incapacity to vote, or

(iii) when he knows that it contains a statement which is false, or

(*b*) attests a patient's declaration or a service declaration, as the case may be, when he knows—

(i) that he is not authorised to do so, or

(ii) that it contains a false statement as to any particulars required by paragraph (*d*) of section 7(4), or by regulations under section 15, as the case may be,

shall be liable—

except in Northern Ireland, on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 4 on the standard scale or to both;

in Northern Ireland, on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding £50 or to both, or on conviction on indictment to imprisonment for a term not exceeding 6 months or to a fine not exceeding £100 or to both.

(2) Where the declaration is available only for local government elections the reference in subsection (1) above to a legal incapacity to vote refers to a legal incapacity to vote at local government elections.

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Breach of official duty in parliamentary elections.

63.—(1) If a person to whom this section applies, or who is for the time being under a duty to discharge as deputy or otherwise any of the functions of such a person, is, without reasonable cause, guilty of any act or omission in breach of his official duty, then, subject to subsection (4) below, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, or, in Northern Ireland, a fine not exceeding £100.

(2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law or under any enactment other than—

(*a*) section 65 below,

(*b*) section 66 below, or

(*c*) section 99(1) below,

nor shall any action for damages lie in respect of the breach by such a person of his official duty.

(3) Those to whom this section applies are—

(*a*) the Clerk of the Crown (or, in Northern Ireland, the Clerk of the Crown for Northern Ireland),

(*b*) any sheriff clerk, registration officer, returning officer, presiding officer, or clerk or assistant employed by such an officer, in connection with his official duties, and

(c) any postmaster,

and the expression " official duty " shall for the purposes of this section be construed accordingly, but shall not include duties imposed otherwise than by the law relating to parliamentary elections or the registration of parliamentary electors.

(4) Nothing in this section imposes liability to summary prosecution on a returning officer for a parliamentary election in Scotland or on a person under a duty to discharge the functions of such a returning officer.

Breach of official duty in local elections.

64.—(1) If a person to whom this section applies, or who is for the time being under a duty to discharge as deputy or otherwise any of the functions of such a person, is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person to whom this section applies shall be liable for breach of his official duty to any penalty at common law, nor shall any action for damages lie in respect of the breach by such a person of his official duty.

(3) Those to whom this section applies are—

(*a*) any registration officer or person whose duty it is to prepare a corrupt and illegal practices list under section

51(2) above or clerk or assistant employed by him in connection with his official duties,

(*b*) any person whose duty it is to act as returning officer at or to take part in the conduct of a local government election or to be responsible after a local government election for the used ballot papers and other documents (including returns and declarations as to expenses),

and the expression " official duty " shall for the purposes of this section be construed accordingly but shall not include duties imposed otherwise than by the law relating to local government elections or the registration of local government electors.

Tampering with nomination papers, ballot papers etc.

65.—(1) A person shall be guilty of an offence, if, at a parliamentary or local government election, he—

(*a*) fraudulently defaces or fraudulently destroys any nomination paper ; or

(*b*) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any declaration of identity or official envelope used in connection with voting by post ; or

(*c*) without due authority supplies any ballot paper to any person ; or

(*d*) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in ; or

(*e*) fraudulently takes out of the polling station any ballot paper ; or

(*f*) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election ; or

(*g*) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) In Scotland, a person shall be guilty of an offence if—

(*a*) at a parliamentary or local government election, he forges any nomination paper, delivers to the returning officer any nomination paper knowing it to be forged, or forges or counterfeits any ballot paper or the official mark on any ballot paper ; or

(*b*) at a local government election, he signs any nomination paper as candidate or in any other capacity certifies the truth of any statement contained in it, knowing such statement to be false ; or

(*c*) he fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

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(3) A person guilty of an offence under this section at a parliamentary election shall be liable—

(*a*) if he is a returning officer, a presiding officer or clerk in attendance at a polling station, or a clerk in attendance at the proceedings in connection with the issue or receipt of postal ballot papers, to imprisonment for a term not exceeding 2 years;

(*b*) if he is any other person, to imprisonment for a term not exceeding 6 months.

(4) If, at a local government election in England and Wales, a person is guilty of any offence specified in paragraph (*a*) of subsection (1) above, or of any attempt to commit such offence, he shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 2 on the standard scale or to both.

(5) A person guilty of an offence under this section at a local government election (other than an offence punishable under subsection (4) above) shall—

(*a*) if he is a returning officer, a presiding officer or clerk appointed to assist in taking the poll or counting the votes or a clerk appointed to assist at the proceedings in connection with the issue or receipt of postal ballot papers, be liable, on conviction on indictment, to imprisonment for a term not exceeding 2 years;

(*b*) if he is any other person, be liable—

(i) on summary conviction to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 6 months or to both;

(ii) on conviction on indictment to a fine or to imprisonment for a term not exceeding 6 months or to both.

Requirement of secrecy.

66.—(1) The following persons—

(*a*) every returning officer and every presiding officer or clerk attending at a polling station,

(*b*) every candidate or election agent or polling agent so attending,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

(i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;

(ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or

(iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

(*a*) ascertain or attempt to ascertain at the counting of the votes the number on the back of any ballot paper;

(*b*) communicate any information obtained at the counting of the votes as to the candidate for whom any vote is given on any particular ballot paper.

(3) No person shall—

(*a*) interfere with or attempt to interfere with a voter when recording his vote;

(*b*) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted;

(*c*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter at that station;

(*d*) directly or indirectly induce a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted.

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—

(*a*) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or

(*b*) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person; or

(*c*) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or

(*d*) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

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(5) No person having undertaken to assist a blind voter to vote shall communicate at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this section he shall be liable on summary conviction to imprisonment for a term not exceeding 6 months.

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THE ELECTION CAMPAIGN

The election agent

Appointment of election agent.

67.—(1) Not later than the latest time for the delivery of notices of withdrawals for an election, a person shall be named by or on behalf of each candidate as the candidate's election agent, and the name and address of the candidate's election agent shall be declared in writing by the candidate or some other person on his behalf to the appropriate officer not later than that time.

(2) A candidate may name himself as election agent, and upon doing so shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked.

(4) If whether before, during or after the election the appointment of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing to the appropriate officer.

(5) The declaration as a candidate's election agent of a person other than the candidate shall be of no effect under this section unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(6) Upon the name and address of an election agent being declared to the appropriate officer, the appropriate officer shall forthwith give public notice of that name and address.

(7) In this Part of this Act the expression "appropriate officer" means—

(*a*) in relation to a parliamentary election, the returning officer;

(*b*) in relation to a local government election, the proper officer of the authority for which the election is held. PART II

Nomination of sub-agent at parliamentary elections.

68.—(1) In the case of a parliamentary election for a county constituency an election agent for a candidate may appoint to act in any part of the constituency one, but not more than one, deputy election agent (in this Act referred to as a sub-agent).

(2) As regards matters in a part of the constituency for which there is a sub-agent the election agent may act by the sub-agent and—

(*a*) anything done for the purposes of this Act by or to the sub-agent in his part of the constituency shall be deemed to be done by or to the election agent; and

(*b*) any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Act shall be an illegal practice and offence against this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly; and

(*c*) the candidate shall suffer the like incapacity as if that act or default had been the election agent's act or default.

(3) One clear day before the day of the poll the election agent shall declare in writing the name and address of every sub-agent to the appropriate officer, and the appropriate officer shall forthwith give public notice of the name and address of every sub-agent so declared.

(4) The appointment of a sub-agent—

(*a*) shall not be vacated by the election agent who appointed him ceasing to be election agent, but

(*b*) may be revoked by whoever is for the time being the candidate's election agent,

and in the event of the revocation of the appointment or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the appropriate officer, who shall forthwith give public notice of the name and address so declared.

(5) The declaration to be made to the appropriate officer, and the notice to be given by him, under subsection (3) or subsection (4) above shall specify the part of the constituency within which any sub-agent is appointed to act.

Office of election agent and sub-agent.

69.—(1) Every election agent and every sub-agent shall have an office to which all claims, notices, writs, summonses and documents may be sent, and the address of the office shall be—

(*a*) declared to the appropriate officer at the same time as the appointment of the agent; and

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(*b*) stated in the public notice of the name of the agent.

(2) The office—

(*a*) of the election agent for a parliamentary election shall be within the constituency or an adjoining constituency or in a London borough or district which is partly comprised in or adjoins the constituency, and that of a sub-agent shall be in the area within which he is appointed to act; and

(*b*) of an election agent for a local government election shall be within the local government area or in the constituency or one of the constituencies in which the area is comprised or in a London borough or district which adjoins it.

(3) Any claim, notice, writ, summons or document delivered at the office of the election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every election agent or sub-agent may in respect of any matter connected with the election in which he is acting be sued in any court having jurisdiction at the place where his office is situated.

Effect of default in election agent's appointment.

70.—(1) If no person's name and address is given as required by section 67 above as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent.

(2) If—

(*a*) the person whose name and address have been so given as those of the candidate's election agent (not being the candidate himself) dies, and

(*b*) a new appointment is not made on the day of the death or on the following day,

the candidate shall be deemed to have appointed himself as from the time of death.

(3) If the appointment of a candidate's election agent is revoked without a new appointment being made, the candidate himself shall be deemed to have been appointed (or re-appointed) election agent.

(4) Where a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office—

(*a*) at his address as given in the statement as to persons nominated; or

(*b*) if that address is outside the permitted area for the office, at the qualifying address of the person (or first person) named in that statement as his proposer.

(5) Where in a local government election in Scotland a candidate is by virtue of this section to be treated as his own election agent, he shall be deemed to have his office—

(*a*) at his address as given in his nomination paper or papers, or

(*b*) if that address is outside the permitted area for the office, at the address of the person named as the proposer of the candidate in the nomination paper first delivered in which the address of the proposer is in the local government area.

(6) The appropriate officer on being satisfied that a candidate is by virtue of this section to be treated as his own election agent, shall forthwith proceed to publish the like notice as if the name and address of the candidate and the address of his office had been duly given to him under sections 67 and 69 above.

Elections where election agent not required.

71. A candidate—

(*a*) at an election in England of parish councillors, or in Wales of community councillors, or

(*b*) at any election under the local government Act which is not a local government election,

need not have an election agent, and accordingly the foregoing provisions of this Part of this Act do not apply to those elections.

Election expenses

Making of contracts through election agent.

72.—(1) The election agent of a candidate shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate at an election, and hire every committee room hired on behalf of the candidate.

(2) A contract by which any election expenses are incurred shall not be enforceable against a candidate at the election unless made by the candidate himself or by his election agent, but this subsection does not relieve the candidate from the consequences of any corrupt or illegal practice having been committed by his agent.

(3) The references in this section to an election agent shall, in relation to a parliamentary election where sub-agents are allowed, be taken as references to the election agent acting by himself or a sub-agent.

Payment of expenses through election agent.

73.—(1) Except as permitted by section 74 below, or in pursuance of section 78 or section 79 below, no payment and no advance or deposit shall be made—

(*a*) by a candidate, or

(*b*) by any agent on behalf of a candidate, or

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(*c*) by any other person,

at any time in respect of election expenses otherwise than by or through the candidate's election agent.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than £2, be vouched for by a bill stating the particulars and by a receipt.

(3) The references in the foregoing provisions of this section to an election agent shall, in relation to a parliamentary election where sub-agents are allowed, be taken as references to the election agent acting by himself or a sub-agent.

(4) All money provided by any person other than the candidate for any election expenses, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.

(5) The foregoing provisions of this section shall not be deemed to apply to any sum disbursed by any person out of his own money for any small expense legally incurred by him if the sum is not repaid to him.

(6) A person who makes any payment, advance or deposit in contravention of subsection (1) above, or pays in contravention of subsection (4) above any money so provided as mentioned above, shall be guilty of an illegal practice.

Candidate's personal expenses, and petty expenses.

74.—(1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election, but the amount which a candidate at a parliamentary election may pay shall not exceed £100, and any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to his election agent within the time limited by this Act for sending in claims a written statement of the amount of personal expenses paid as mentioned above by the candidate.

(3) Any person may, if so authorised in writing by the candidate's election agent, pay any necessary expenses for stationery, postage, telegrams (or any similar means of communication) and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(4) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Act for sending in claims, and shall be vouched for by a bill containing that person's receipt.

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Prohibition of expenses not authorised by election agent.

75.—(1) No expenses shall, with a view to promoting or procuring the election of a candidate at an election, be incurred by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—

(*a*) of holding public meetings or organising any public display; or

(*b*) of issuing advertisements, circulars or publications; or

(*c*) of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate,

but paragraph (*c*) of this subsection shall not—

(i) restrict the publication of any matter relating to the election in a newspaper or other periodical or in a broadcast made by the British Broadcasting Corporation or the Independent Broadcasting Authority; or

(ii) apply to any expenses not exceeding in the aggregate the sum of 50p which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others, or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.

(2) Where a person incurs any expenses required by this section to be authorised by the election agent—

(*a*) that person shall within 14 days after the date of publication of the result of the election send to the appropriate officer a return of the amount of those expenses, stating the election at which and the candidate in whose support they were incurred, and

(*b*) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,

but this subsection does not apply to any person engaged or employed for payment or promise of payment by the candidate or his election agent.

(3) The return and declaration under the foregoing provisions of this section shall be in the prescribed form, and the authority received from the election agent shall be annexed to and deemed to form part of the return.

(4) A copy of every return and declaration made under subsection (2) above in relation to a parliamentary election in England, Wales or Northern Ireland shall be sent to the Clerk of the Crown within 14 days after the date of publication of the result

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of the election by the person making the return or declaration, and rule 57 of the parliamentary elections rules applies to any documents sent to the Clerk of the Crown under this subsection.

In this subsection references to the Clerk of the Crown in relation to an election in Northern Ireland are references to the Clerk of the Crown for Northern Ireland.

(5) If a person—

(*a*) incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this section, or

(*b*) knowingly makes the declaration required by subsection (2) falsely,

he shall be guilty of a corrupt practice; and if a person fails to send any declaration or return or a copy of it as required by this section he shall be guilty of an illegal practice, but—

(i) the court before whom a person is convicted under this subsection may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below; and

(ii) a candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under this subsection committed by an agent without his consent or connivance.

(6) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—

(*a*) that the act or omission took place without his consent or connivance; and

(*b*) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Limitation of election expenses.

76.—(1) No sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during or after an election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount specified in this section, and a candidate or election agent knowingly acting in contravention of this subsection shall be guilty of an illegal practice.

(2) That maximum amount is—

(*a*) for a candidate at a parliamentary election—

(i) in a county constituency, £2,700 together with an additional 3.1p for every entry in the register of electors to be used at the election (as first published); and

(ii) in a borough constituency, £2,700 together with an additional 2.3p for every entry in the register of electors to be used at the election (as first published);

(*b*) for a candidate at a local government election—

(i) at an election to the Greater London Council, £500 together with an additional 3p for every entry in the register of electors to be used at the election (as first published);

(ii) at any other local government election, £120 together with an additional 2.4p for every entry in the register of electors to be used at the election (as first published).

(3) The Secretary of State may by order vary a maximum amount of candidates' election expenses specified in subsection (2) above where in his opinion there has been a change in the value of money since the last occasion on which that amount was varied by such an order, and the variation shall be such as in his opinion is justified by that change.

An order under this subsection shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament; and the power to make the order is exercisable by statutory instrument.

(4) If the register to be used at the election is not published before the day of publication of the notice of election then for any reference in subsection (2) above to an entry in that register there shall be substituted a reference to an entry in the electors lists for that register as first published which gives the name of a person appearing from those lists to be entitled to be registered.

(5) The maximum amount mentioned above for a candidate at a parliamentary election is not required to cover the candidate's personal expenses.

(6) Where at an election a poll is countermanded or abandoned by reason of a candidate's death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice or, if there has been a previous increase under this subsection, three times what it would have been but for any increase under this subsection; but the maximum amount shall not be affected for any candidate by the change in the timing of the election or of any step in the proceedings at the election.

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Expenses limit for joint candidates at local election.

77.—(1) Where there are two or more joint candidates at a local government election the maximum amount mentioned in section 76 above shall, for each of those joint candidates, be reduced by a quarter or, if there are more than two joint candidates, by one-third.

(2) Where two or more candidates appoint the same election agent, or by themselves or any agent or agents—

(*a*) employ or use the services of the same clerks or messengers at the election, or

(*b*) hire or use the same committee rooms for the election, or

(*c*) publish a joint address, circular or notice at the election,

those candidates shall for the purposes of this section be deemed to be joint candidates; but—

(i) the employment and use of the same clerk, messenger or committee room, if accidental or casual, or of a trivial and unimportant character, shall not be deemed of itself to constitute persons joint candidates;

(ii) nothing in this subsection shall prevent candidates from ceasing to be joint candidates.

(3) Where—

(*a*) any excess of expenses above the maximum allowed for one of two or more joint candidates has arisen owing to his having ceased to be a joint candidate, or to his having become a joint candidate after having begun to conduct his election as a separate candidate,

(*b*) the change was made in good faith,

(*c*) the excess is not more than under the circumstances is reasonable, and

(*d*) the total election expenses of the candidate do not exceed the maximum amount allowed for a separate candidate,

the excess shall be deemed to have arisen from a reasonable cause for the purposes of section 167 below.

Time for sending in and paying claims.

78.—(1) Every claim against a candidate or his election agent in respect of election expenses which is not sent in to the election agent within 14 days after the day on which the result of the election is declared shall be barred and not paid.

(2) All election expenses shall be paid within 28 days after that day.

(3) An election agent who pays a claim in contravention of subsection (1) or makes a payment in contravention of subsection (2) above shall be guilty of an illegal practice; but where the election court reports that it has been proved to the court by the candidate that any payment was made by an election agent without the sanction or connivance of the candidate—

(*a*) the candidate's election shall not be void, nor

(*b*) shall he be subject to any incapacity under this Act by reason only of that payment having been made in contravention of this section.

(4) The claimant or the candidate or his election agent may apply to the High Court or to a county court for leave to pay a claim for any election expenses, although sent in after that period of 14 days or although sent in to the candidate and not to the election agent, and the court on cause shown to their satisfaction may by order grant the leave.

In relation to an application in respect of expenses for a local government election in Scotland the reference in this subsection to the High Court shall be omitted.

(5) Any sum specified in the order of leave may be paid by the candidate or his election agent and when paid in pursuance of the leave shall not be deemed to be in contravention of subsection (2) above.

(6) Except in Scotland, the jurisdiction vested by subsection (4) above in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by—

(*a*) one of the judges for the time being on the rota for the trial of parliamentary election petitions,

(*b*) in Northern Ireland, one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978, 1978 c. 23.

sitting either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to those judges.

(7) The jurisdiction vested by subsection (4) in a county court may, except in Northern Ireland, be exercised otherwise than in open court and, in Northern Ireland, shall be exercised in such manner as may be provided by rules of court.

An appeal lies to the High Court from any order of a county court made by virtue of subsection (4).

Disputed claims.

79.—(1) If the election agent disputes any claim sent in to him within the period of 14 days mentioned in section 78 above or refuses or fails to pay the claim within the period of 28 days so mentioned, the claim shall be deemed to be a disputed claim.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the candidate or his agent in pursuance of the judgment or order of the court shall not be deemed to be in contravention of section 73(1) above or of section 78(2).

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(3) If the defendant in the action admits his liability but disputes the amount of the claim, that amount shall, unless the court on the plaintiff's application otherwise directs, be forthwith referred for taxation—

(*a*) to a Circuit judge nominated under subsection (1)(*a*) of section 68 of the Supreme Court Act 1981, or

1981 c. 54.

(*b*) to the master, registrar or other proper officer of the court,

and the amount found due on the taxation shall be the amount to be recovered in the action in respect of the claim.

(4) Subsections (4) to (7) of section 78 apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after that period of 14 days.

Election agent's claim.

80. So far as circumstances admit, this Act applies to an election agent's claim for his remuneration and to its payment in like manner as if he were any other creditor, and if any difference arises about the amount of the claim, the claim shall be a disputed claim within the meaning of this Act and be dealt with accordingly.

Return as to election expenses.

81.—(1) Within 35 days after the day on which the result of the election is declared, the election agent of every candidate at the election shall transmit to the appropriate officer a true return in the form set out in Schedule 3 to this Act, or to the like effect, containing as respects that candidate a statement of all payments made by the election agent together with all the bills and receipts.

(2) The return shall deal under a separate heading or subheading with any expenses included in it—

(*a*) as respects which a return is required to be made under section 75(2) above; or

(*b*) which are on account of the remuneration or expenses of speakers at public meetings.

(3) The return shall also contain as respects that candidate—

(*a*) a statement of the amount of personal expenses, if any, paid by the candidate;

(*b*) a statement of all disputed claims of which the election agent is aware;

(*c*) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court or county court;

(*d*) a statement of all money, securities and equivalent of money received by the election agent from the candidate or any other person for the purposes of election

expenses incurred or to be incurred, with a statement of the name of every person from whom they may have been received.

(4) Where the candidate is his own election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return as to election expenses for the statement of money, securities and equivalent of money received by the election agent from the candidate.

(5) Where after the date at which the return as to election expenses is transmitted, leave is given by the court under section 78(4) above for any claim to be paid, the candidate or his election agent shall, within seven days after its payment, transmit to the appropriate officer a return of the sums paid in pursuance of the leave, accompanied by a copy of the order of the court giving the leave, and in default he shall be deemed to have failed to comply with the requirements of this section without such authorised excuse as is mentioned in section 86 below.

Declarations as to election expenses.

82.—(1) The return transmitted under section 81(1) above shall be accompanied by a declaration made by the election agent in the form in Schedule 3 to this Act.

(2) At the same time that the election agent transmits that return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the appropriate officer a declaration made by him in the form in that Schedule.

(3) Where the candidate is out of the United Kingdom when the return is so transmitted—

(*a*) the declaration required by subsection (2) above may be made by him within 14 days after his return to the United Kingdom, and

(*b*) in that case, the declaration shall be forthwith transmitted to the appropriate officer,

but the delay authorised by this provision in making the declaration shall not exonerate the election agent from complying with the provisions of this Act relating to the return and declaration as to election expenses.

(4) An election agent's or a candidate's declaration as to election expenses under this section may be made either before a justice of the peace or before any person who is—

(*a*) in England and Wales, the chairman or proper officer of the Greater London Council, a county council or a district council, or the mayor or proper officer of a London borough;

(*b*) in Scotland, the proper officer of a regional, islands or district council;

(*c*) in Northern Ireland, the clerk of a district council.

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(5) Where the candidate is his own election agent, the declaration by an election agent as to election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the form in Schedule 3.

(6) If a candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of a corrupt practice.

Where no return and declarations needed at parliamentary elections.

83. Notwithstanding anything in sections 81 and 82 above, no return or declaration as to election expenses shall be required in the case of a person—

(*a*) who is a candidate at a parliamentary election, but is so only because he has been declared by others to be a candidate; and

(*b*) who has not consented to the declaration or taken any part as a candidate in the election.

Penalty for failure as respects return or declarations.

84. Subject to the provisions of section 86 below, if a candidate or election agent fails to comply with the requirements of section 81 or section 82 above he shall be guilty of an illegal practice.

Penalty for sitting or voting where no return and declarations transmitted.

85.—(1) If, in the case of any candidate, the return and declarations as to election expenses are not transmitted before the expiry of the time limited for the purpose, that candidate shall not, after the expiry of that time, sit or vote in the House of Commons as member for the constituency for which the election was held until—

(*a*) either that return and those declarations have been transmitted, or

(*b*) the date of the allowance of an authorised excuse for the failure to transmit that return and those declarations,

and if he sits or votes in contravention of this subsection he shall forfeit £100 for every day on which he so sits or votes.

(2) In the application of subsection (1) above to a candidate at a local government election—

(*a*) the reference to sitting or voting in the House of Commons for the constituency for which the election was held shall be taken as a reference to sitting or voting in the council for the local government area for which the election was held; and

(*b*) £50 shall be substituted for £100 and, instead of civil proceedings for a penalty, summary proceedings may be instituted under the Magistrates' Courts Act 1980, or, in Scotland, in the sheriff court, and the person charged

1980 c. 43.

shall be liable on conviction to a fine not exceeding the amount of the penalty which would be recoverable in civil proceedings.

(3) A proceeding for an offence under this section shall be commenced within one year after the offence was committed and the time so limited by this section shall, in the case of any proceeding under the Magistrates' Courts Act 1980, be substituted for any limitation of time contained in that Act. 1980 c. 43.

(4) For the purposes of subsection (3) above—

(*a*) where the service or execution of the writ or other process on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, the issue of a writ or other process shall be deemed to be a commencement of a proceeding; but,

(*b*) where paragraph (*a*) does not apply, the service or execution of the writ or other process on or against the alleged offender, and not its issue, shall be deemed to be the commencement of the proceeding.

(5) Subsections (3) and (4) above do not apply in Scotland.

Authorised excuses for failures as to return and declarations.

86.—(1) A candidate or his election agent may apply for relief under this section to—

(*a*) the High Court, except in relation to a local government election in Scotland;

(*b*) an election court; or

(*c*) a county court.

(2) Relief under this section may be granted—

(*a*) to a candidate, in respect of any failure to transmit the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them; or

(*b*) to an election agent, in respect of the failure to transmit the return and declarations which he was required to transmit, or any part of them, or in respect of any error or false statement in them.

(3) The application for relief may be made on the ground that the failure, error or false statement arose—

(*a*) by reason of the applicant's illness; or

(*b*) where the applicant is the candidate, by reason of the absence, death, illness or misconduct of his election agent or sub-agent or of any clerk or officer of such agent; or

(*c*) where the applicant is the election agent, by reason of the death or illness of any prior election agent of the

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candidate, or of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate ; or

(*d*) by reason of inadvertence or any reasonable cause of a like nature,

and not by reason of any want of good faith on the applicant's part.

(4) The court may—

(*a*) after such notice of the application in the constituency or local government area, as the case may be, as it considers fit, and

(*b*) on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as it considers fit,

make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.

(5) Where it is proved to the court by the candidate—

(*a*) that any act or omission of the election agent in relation to the return and declarations was without the sanction or connivance of the candidate, and

(*b*) that the candidate took all reasonable means for preventing the act or omission,

the court shall relieve the candidate from the consequences of the act or omission of his election agent.

(6) An order under subsection (4) above may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part of this Act.

(7) An order under subsection (4) shall relieve the applicant for the order from any liability or consequences under this Act in respect of the matter excused by the order.

(8) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

(9) Except in Scotland, the jurisdiction vested by the foregoing provisions of this section in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by—

(*a*) one of the judges for the time being on the rota for the trial of parliamentary election petitions,

(*b*) in Northern Ireland, one of the judges of the High Court or the Court of Appeal for the time being selected

under section 108 of the Judicature (Northern Ireland) Act 1978, PART II 1978 c. 23.

sitting either in court or at chambers, but shall not be exercisable by a master.

(10) The jurisdiction vested by this section in a county court may, except in Northern Ireland, be exercised otherwise than in open court and, in Northern Ireland, shall be exercised in such manner as may be provided by rules of court.

(11) An appeal lies to the High Court from any order of a county court made by virtue of this section.

Court's power to require information from election agent or sub-agent.

87.—(1) Where on an application under section 86 above it appears to the court that any person who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars, as will enable the candidate and his election agent respectively to comply with the provisions of this Act as to the return or declarations as to election expenses, the court, before making an order under that section, shall order that person to attend before the court.

(2) The court shall on the attendance of that person, unless he shows cause to the contrary, order him—

(*a*) to make the return and declaration, or

(*b*) to deliver a statement of the particulars required to be contained in the return,

as the court considers just, within such time, to such person and in such manner as it may direct, or may order him to be examined with respect to the particulars.

(3) If a person fails to comply with any order of the court under this section, the court may order him to pay a fine not exceeding £500.

Publication of time and place for inspection of returns and declarations.

88. At a parliamentary election—

(*a*) the returning officer shall, within 10 days after the end of the time allowed for transmitting to him returns as to election expenses, publish in not less than two newspapers circulating in the constituency for which the election was held, and shall send to each of the election agents, a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected ; but

(*b*) if any return or declaration has not been received by the returning officer before the notice is despatched for publication, the notice shall so state, and a like notice about that return or declaration, if afterwards received, shall within 10 days after the receipt be published in like manner and sent to each of the election agents other than the agent who is in default or is agent for the candidate in default.

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Inspection of returns and declarations.

89.—(1) Any returns or declarations (including the accompanying documents) sent to the appropriate officer under section 75, section 81 or section 82 above—

(*a*) shall be kept at the appropriate officer's office or some convenient place appointed by him, and

(*b*) shall at all reasonable times during the two years next after they are received by him be open to inspection by any person on payment of the prescribed fee,

and the appropriate officer shall on demand and at the prescribed fee provide copies of them or any part of them.

(2) After the expiry of those two years the appropriate officer—

(*a*) may cause those returns and declarations (including the accompanying documents) to be destroyed, or

(*b*) if the candidate or his election agent so require, shall return them to the candidate.

(3) Any returns or declarations sent under section 75 shall be returned not to the candidate (if he or his election agent so require) but to the person sending them, if he so requires.

Election expenses at elections where election agent not required.

90.—(1) In relation to an election of parish councillors in England or of community councillors in Wales—

(*a*) section 76(1) above has effect as if for the references to an election agent there were substituted references to any agent of the candidate;

(*b*) sections 72 to 75 and 78 to 89 above do not apply, and instead the provisions of Schedule 4 to this Act have effect but the form of declaration as to election expenses shall be that prescribed by rules under section 36 above relating to the election of parish or, as the case may be, community councillors, or a form to the like effect.

(2) At an election under the local government Act which is not a local government election, sections 72 to 89 do not apply, and if a candidate at that election or any person on behalf of a candidate at that election knowingly pays any sum or incurs any expense, whether before, during or after that election, on account of or in respect of the conduct or management of the election he shall be guilty of an illegal practice.

Publicity at parliamentary elections

Candidate's right to send election address post free.

91.—(1) A candidate at a parliamentary election is, subject to Post Office regulations, entitled to send free of any charge for postage to each elector one postal communication containing matter relating to the election only and not exceeding 2 ounces in weight.

(2) He is also, subject as mentioned above, entitled to send free of any charge for postage to each person entered in the list of proxies for the election one such communication as mentioned above for each appointment in respect of which that person is so entered.

(3) A person shall not be deemed to be a candidate for the purposes of this section unless he is shown as standing nominated in the statement of persons nominated, but until the publication of that statement any person who declares himself to be a candidate shall be entitled to exercise the right of free postage conferred by this section if he gives such security as may be required by the Post Office for the payment of postage should he not be shown as standing nominated as mentioned above.

(4) For the purposes of this section, "elector" means a person—

(*a*) who is registered as a parliamentary elector in the constituency in the register to be used at the election, or

(*b*) who, pending the publication of that register, appears in the electors lists for that register (as corrected by the registration officer) to be entitled to be so registered,

and accordingly includes a person shown in the register or electors lists as below voting age if it appears from that register or those lists that he will be of voting age on the day fixed for the poll, but not otherwise.

Broadcasting from outside United Kingdom.

92.—(1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary or local government election, use, or aid, abet, counsel or procure the use of, any television or other wireless transmitting station outside the United Kingdom for the transmission of any matter having reference to the election otherwise than in pursuance of—

(*a*) arrangements made with the British Broadcasting Corporation for it to be received and re-transmitted by that Corporation; or

(*b*) arrangements made with the Independent Broadcasting Authority or a programme contractor (within the meaning of the Broadcasting Act 1981) for it to be received by the Authority or contractor and re-transmitted by the Authority.

1981 c. 68.

(2) An offence under this section shall be an illegal practice, but the court before whom a person is convicted of an offence under this section may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 173 below.

(3) Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under

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this section, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of the illegal practice, unless he proves—

(*a*) that the act or omission took place without his consent or connivance; and

(*b*) that he exercised all such diligence to prevent the commission of the illegal practice as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Broadcasting during elections.

93.—(1) In relation to a parliamentary or local government election—

(*a*) pending such an election it shall not be lawful for any item about the constituency or electoral area to be broadcast from a television or other wireless transmitting station in the United Kingdom if any of the persons who are for the time being candidates at the election takes part in the item and the broadcast is not made with his consent; and

(*b*) where an item about a constituency or electoral area is so broadcast pending such an election there, then if the broadcast either is made before the latest time for delivery of nomination papers, or is made after that time but without the consent of any candidate remaining validly nominated, any person taking part in the item for the purpose of promoting or procuring his election shall be guilty of an illegal practice, unless the broadcast is so made without his consent.

(2) For the purposes of subsection (1) above—

(*a*) a parliamentary election shall be deemed to be pending during the period ending with the close of the poll and beginning—

(i) at a general election, with the date of the dissolution of Parliament or any earlier time at which Her Majesty's intention to dissolve Parliament is announced; or

(ii) at a by-election, with the date of the issue of the writ for the election or any earlier date on which a certificate of the vacancy is notified in the London Gazette in accordance with the Recess Elections Act 1975; and

1975 c. 66.

(*b*) a local government election shall be deemed to be pending during the period ending with the close of the poll and beginning—

(i) at an ordinary election, 5 weeks before the day

fixed as the day of election in accordance with section 37 above or, in Scotland, section 43 above ; or

(ii) at an election to fill a casual vacancy, with the date of publication of notice of the election.

Imitation poll cards.

94. No person shall for the purpose of promoting or procuring the election of any candidate at a parliamentary election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and subsections (2) and (3) of section 92 above apply as if an offence under this section were an offence under that section.

Election meetings

Schools and rooms for parliamentary election meetings.

95.—(1) Subject to the provisions of this section, a candidate at a parliamentary election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use at reasonable times between the receipt of the writ and the date of the poll of—

(*a*) a suitable room in the premises of a school to which this section applies ;

(*b*) any meeting room to which this section applies.

(2) This section applies—

(*a*) in England and Wales, to county schools and voluntary schools of which the premises are situated in the constituency or an adjoining constituency, and

(*b*) in Scotland, to any school of which the premises are so situated, not being an independent school within the meaning of the Education (Scotland) Act 1980, 1980 c. 44.

but a candidate is not entitled under this section to the use of a room in school premises outside the constituency if there is a suitable room in other premises in the constituency which are reasonably accessible from the same parts of the constituency as those outside and are premises of a school to which this section applies.

(3) This section applies to meeting rooms situated in the constituency, the expense of maintaining which is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so payable.

(4) Where a room is used for a meeting in pursuance of the rights conferred by this section, the person by whom or on whose behalf the meeting is convened—

(*a*) may be required to pay for the use of the room a charge not exceeding the amount of any actual and necessary expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the

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meeting and restoring the room to its usual condition after the meeting; and

(*b*) shall defray any damage done to the room or the premises in which it is situated, or to the furniture, fittings or apparatus in the room or premises.

(5) A candidate is not entitled to exercise the rights conferred by this section except on reasonable notice; and this section does not authorise any interference with the hours during which a room in school premises is used for educational purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.

(6) The provisions of Schedule 5 to this Act have effect with respect to the rights conferred by this section and the arrangements to be made for their exercise.

(7) For the purposes of this section (except those of paragraph (*b*) of subsection (4) above), the premises of a school shall not be taken to include any private dwelling house, and in this section—

(*a*) the expression "meeting room" means any room which it is the practice to let for public meetings; and

(*b*) the expression "room" includes a hall, gallery or gymnasium.

(8) This section does not apply to Northern Ireland.

Schools and rooms for local election meetings.

96.—(1) Subject to the provisions of this section, a candidate at a local government election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use free of charge at reasonable times between the notice of election and the day preceding the day of election of—

(*a*) in England and Wales, a suitable room in the premises of a county or voluntary school situated in the electoral area for which he is a candidate, or, in a parish or community, as the case may be, in part comprised in that electoral area;

(*b*) in Scotland, a suitable room in the premises of any school (not being an independent school within the meaning of the Education (Scotland) Act 1980) situated in the electoral area for which he is a candidate (or, if there is no such school in the area, in any such school in an adjacent electoral area) or any suitable room the expense of maintaining which is payable by the council of an islands area or district.

1980 c. 44.

(2) Where a room is used for a meeting in pursuance of the rights conferred by this section, the person by whom or on whose behalf the meeting is convened shall defray any expense

incurred by the persons having control over the room or any damage done to the school premises or to the furniture, fittings or apparatus in them.

(3) A candidate is not entitled to exercise rights conferred by this section except on reasonable notice; and this section does not authorise the use of any room used as part of a private dwelling house or any interference with the hours during which the school premises are used for educational purposes.

(4) Any question arising under this section as to what is reasonable or suitable shall be determined in England or Wales by the Secretary of State, and in Scotland, where the question arises in relation to a room in the premises of a school, by the persons having control of the school and, in the case of a room maintained by a council, by that council.

Disturbances at election meetings.

97.—(1) A person who at a lawful public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

(2) This section applies to—

(*a*) a political meeting held in any constituency between the date of the issue of a writ for the return of a member of Parliament for the constituency and the date at which a return to the writ is made;

(*b*) a meeting held with reference to a local government election in the electoral area for that election on, or within three weeks before, the day of election.

(3) If a constable reasonably suspects any person of committing an offence under subsection (1) above, he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or gives a false name and address, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, and—

(*a*) if he refuses or fails so to declare his name and address or

(*b*) if the constable reasonably suspects him of giving a false name and address,

the constable may without warrant arrest him.

This subsection does not apply in Northern Ireland.

Premises not affected for rates.

98. The use of any premises for the holding of public meetings in furtherance of any person's candidature at a parliamentary or local government election does not render any person liable to be rated or to pay any rate for the premises.

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Agency by election officials and canvassing by police officers

Officials not to act for candidates.

99.—(1) If—

(*a*) any returning officer at a parliamentary or local government election, or

(*b*) any officer or clerk appointed under the parliamentary elections rules, or the rules under section 36 or section 42 above, as the case may be, or

(*c*) any partner or clerk of any such person,

acts as a candidate's agent in the conduct or management of the election, he shall be guilty of an offence, but nothing in this subsection prevents a candidate from acting as his own election agent.

(2) An offence under subsection (1) in relation to an election in Scotland shall not be tried on indictment but shall be punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

Illegal canvassing by police officers.

100.—(1) No member of a police force shall by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his vote, whether as an elector or as proxy—

(*a*) at any parliamentary election for a constituency, or

(*b*) at any local government election for any electoral area, wholly or partly within the police area.

(2) A person acting in contravention of subsection (1) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale, or, in Northern Ireland, to a fine not exceeding £100, but nothing in that subsection shall subject a member of a police force to any penalty for anything done in the discharge of his duty as a member of the force.

(3) In this section references to a member of a police force and to a police area are to be taken in relation to Northern Ireland as references to a member of the Royal Ulster Constabulary and to Northern Ireland.

Conveyance of voters to and from poll

No hiring of vehicles to convey voters.

101.—(1) A person shall not let, lend, or employ any public vehicle for the purpose of the conveyance of electors or their proxies to or from the poll at an election, and if he does so knowing that the public vehicle is intended to be used for that purpose he shall be guilty of an illegal hiring.

(2) A person shall not hire, borrow or use for the purpose of the conveyance of electors or their proxies to or from the poll at an election any public vehicle the owner of which he knows to be prohibited by subsection (1) above from letting, lending or employing for that purpose, and if he does so he shall be guilty of an illegal hiring.

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(3) In this section " public vehicle " means any public stage or hackney carriage or any carriage kept or used for the purpose of letting out for hiring.

No payments for conveyance of voters.

102. If any payment or contract for payment is knowingly made, either before, during or after an election, for the purpose of promoting or procuring the election of a candidate on account of the conveyance of electors or their proxies to or from the poll, whether for the hire of carriages, or for railway fares, or otherwise—

(*a*) the person making the payment or contract, and

(*b*) if he knew it to be in contravention of this Act, any person receiving the payment or being a party to the contract,

shall be guilty of an illegal practice.

Provisions supplemental to ss. 101 and 102.

103.—(1) Nothing in sections 101 and 102 above prevents a carriage being let, hired, employed or used by an elector or his proxy or several electors or their proxies at their joint cost, for the purpose of being conveyed to or from the poll.

(2) No person shall be liable to pay any duty or to take out a licence for any carriage by reason only of the carriage being used without payment or promise of payment for the conveyance of electors or their proxies to or from the poll.

" Carriage " in ss. 101 to 103.

104. In sections 101 to 103 above—

(*a*) " carriage " includes for the purposes of those sections—

(i) any mechanically propelled vehicle intended or adapted for use on roads, and

(ii) any vehicle drawn by such a vehicle,

and any such vehicle as so described shall be deemed to be a public vehicle for the purposes of section 101 if used as such ; and

(*b*) the provisions of those sections, except section 103(2), apply in relation to horses or other animals as they apply in relation to carriages, and any reference in section 101 to a public vehicle includes a reference to horses or other animals kept or used for drawing such vehicles.

Access to polling place by sea.

105.—(1) Where the nature of a county constituency is such that any electors or proxies for electors resident there are unable at a parliamentary election for that constituency to reach their polling place without crossing the sea or a branch or arm of the sea, nothing in this Act prevents the provision of means for conveying those electors or proxies by sea to their polling place.

(2) The amount of any payment for such means of conveyance as are mentioned in subsection (1) above may be in addition to the maximum amount of expenses allowed by this Act.

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(3) No restriction on the expenses to be incurred by a returning officer shall prevent a returning officer employing special steamers or boats for the purposes of a parliamentary election in any constituency in Scotland having a polling place or polling places so situated as not to be accessible except by sea, but the expenses so incurred shall be included in the returning officer's account, and shall be subject to taxation.

Other illegal practices, payments, employments or hirings

False statements as to candidates.

106.—(1) A person who, or any director of any body or association corporate which—

(*a*) before or during an election,

(*b*) for the purpose of affecting the return of any candidate at the election,

makes or publishes any false statement of fact in relation to the candidate's personal character or conduct shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

(2) A candidate shall not be liable nor shall his election be avoided for any illegal practice under subsection (1) above committed by his agent other than his election agent unless—

(*a*) it can be shown that the candidate or his election agent has authorised or consented to the committing of the illegal practice by the other agent or has paid for the circulation of the false statement constituting the illegal practice ; or

(*b*) an election court find and report that the election of the candidate was procured or materially assisted in consequence of the making or publishing of such false statements.

(3) A person making or publishing any false statement of fact as mentioned above may be restrained by interim or perpetual injunction by the High Court or the county court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate and, for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement shall be sufficient.

(4) The foregoing provisions of this section do not apply to or in relation to an election of councillors in Scotland.

(5) Any person who, before or during an election, knowingly publishes a false statement of a candidate's withdrawal at the election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.

(6) A candidate shall not be liable, nor shall his election be avoided, for any illegal practice under subsection (5) above committed by his agent other than his election agent.

(7) In the application of this section to an election where a candidate is not required to have an election agent, references to an election agent shall be omitted and the reference in subsection (6) above to an illegal practice committed by an agent of the candidate shall be taken as a reference to an illegal practice committed without the candidate's knowledge and consent.

(8) Except in Scotland, the jurisdiction vested by subsection (3) above in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by—

(*a*) one of the judges for the time being on the rota for the trial of parliamentary election petitions,

(*b*) in Northern Ireland, one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978, 1978 c. 23.

sitting either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to those judges.

(9) The jurisdiction vested by subsection (3) in a county court may, except in Northern Ireland, be exercised otherwise than in open court, and, in Northern Ireland, shall be exercised in accordance with rules of court.

An appeal lies to the High Court from any order of a county court made by virtue of subsection (3).

Corrupt withdrawal from candidature.

107. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, shall be guilty of an illegal payment.

Premises not to be used as committee rooms.

108.—(1) If a person—

(*a*) hires or uses any premises to which this section applies, or any part of them, for a committee room for the purpose of promoting or procuring the election of a candidate, or

(*b*) lets any premises to which this section applies or any part of them knowing that it was intended to use them or that part as a committee room,

he shall be guilty of an illegal hiring.

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(2) Where the election is an election under the local government Act, the reference in subsection (1) above to letting any premises or part of premises includes a reference to permitting the use of any premises or part of premises.

(3) This section applies to any premises—

(*a*) which are licensed for the sale of any intoxicating liquor for consumption on or off the premises or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(*b*) where any intoxicating liquor is supplied to members of a club, society or association, other than a permanent political club,

but this section does not apply to the hiring, using, letting or permitting the use of any part of premises which is ordinarily let for the purpose of—

(i) chambers, or offices, or

(ii) the holding of public meetings or of arbitrations,

if that part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as mentioned above.

(4) This section also applies—

(*a*) in England and Wales, to the premises of all schools maintained or assisted by a local education authority and all other schools in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school;

1980 c. 44.

(*b*) in Scotland, to the premises of all schools other than independent schools within the meaning of the Education (Scotland) Act 1980; and

S.I. 1972/1263 (N.I. 12).

(*c*) in Northern Ireland, to the premises of all schools other than independent schools within the meaning of the Education and Libraries (Northern Ireland) Order 1972.

For the purposes of this section, the premises of a school shall be taken to include any dwelling house which forms part of the school and is occupied by a person employed for the purposes of the school.

Payments for exhibition of election notices.

109.—(1) No payment or contract for payment shall for the purpose of promoting or procuring the election of a candidate at an election be made to an elector or his proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless—

(*a*) it is the ordinary business of the elector or proxy as

an advertising agent to exhibit for payment bills and advertisements; and

(*b*) the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this section either before, during or after an election—

(*a*) the person making the payment or contract, and

(*b*) if he knew it to be in contravention of this Act, any person receiving the payment or being a party to the contract,

shall be guilty of an illegal practice.

Printer's name and address on election publications.

110.—(1) A person shall not—

(*a*) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an election or any printed document distributed for the purpose of promoting or procuring the election of a candidate, or

(*b*) post or cause to be posted any such bill, placard or poster as mentioned above, or

(*c*) distribute or cause to be distributed any printed document for that purpose,

unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

(2) For the purposes of this section, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression "printer" shall be construed accordingly.

(3) A candidate or election agent acting in contravention of this section shall be guilty of an illegal practice, and any other person so acting shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale, or, in Northern Ireland, to a fine not exceeding £100.

In relation to an election where candidates are not required to have election agents the reference to an election agent shall be omitted and the reference to any person other than the candidate shall be construed accordingly.

Prohibition of paid canvassers.

111. If a person is, either before, during or after an election, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring a candidate's election—

(*a*) the person so engaging or employing him, and

(*b*) the person so engaged or employed,

shall be guilty of illegal employment.

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Providing money for illegal purposes.

112. Where a person knowingly provides money—

(*a*) for any payment which is contrary to the provisions of this Act, or

(*b*) for any expenses incurred in excess of the maximum amount allowed by this Act, or

(*c*) for replacing any money expended in any such payment or expenses,

except where the payment or the incurring of the expenses may have been previously allowed in pursuance of section 167 below to be an exception, that person shall be guilty of an illegal payment.

Bribery, treating and undue influence

Bribery.

113.—(1) A person shall be guilty of a corrupt practice if he is guilty of bribery.

(2) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—

(*a*) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting, or

(*b*) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or

(*c*) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, the return of any person at an election or the vote of any voter,

or if upon or in consequence of any such gift or procurement as mentioned above he procures or engages, promises or endeavours to procure the return of any person at an election or the vote of any voter.

For the purposes of this subsection—

(i) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration ; and

(ii) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(3) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or for the use of any other

person with the intent that that money or any part of it shall be expended in bribery at any election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

(4) The foregoing provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an election.

(5) A voter shall be guilty of bribery if before or during an election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(6) A person shall be guilty of bribery if after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(7) In this section the expression " voter " includes any person who has or claims to have a right to vote.

Treating.

114.—(1) A person shall be guilty of a corrupt practice if he is guilty of treating.

(2) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

(*a*) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or

(*b*) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every elector or his proxy who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Undue influence.

115.—(1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.

(2) A person shall be guilty of undue influence—

(*a*) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make

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use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or

(*b*) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

Supplemental

Rights of creditors.

116. The provisions of this Part of this Act prohibiting—

(*a*) payments and contracts for payments,

(*b*) the payment or incurring of election expenses in excess of the maximum amount allowed by this Act; or

(*c*) the incurring of expenses not authorised by the election agent,

do not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of this Act.

Savings as to parliamentary elections.

117.—(1) Where a person has been declared by others to be a candidate at a parliamentary election without his consent, nothing in this Part of this Act shall be construed to impose any liability on that person, unless he has afterwards given his assent to the declaration or has been nominated.

(2) Nothing in this Part makes it illegal for an employer to permit parliamentary electors or their proxies to absent themselves from his employment for a reasonable time for the purpose of voting at the poll at a parliamentary election without having any deduction from their salaries or wages on account of their absence, if the permission—

(*a*) is (so far as practicable without injury to the employer's business) given equally to all persons alike who are at the time in his employment, and

(*b*) is not given with a view to inducing any person to record his vote for any particular candidate at the election, and

(*c*) is not refused to any person for the purpose of preventing him from recording his vote for any particular candidate at the election,

but this subsection shall not be construed as making illegal any act which would not be illegal apart from this subsection. PART II

118. In this Part of this Act, unless the context otherwise requires— Interpretation of Part II.

"appropriate officer" has the meaning given by section 67(7) above;

"candidate"—

(*a*) in relation to a parliamentary election, means a person who is elected to serve in Parliament at the election or a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;

(*b*) in relation to an election under the local government Act, means a person elected or having been nominated or having declared himself a candidate for election, to the office to be filled at the election;

"committee room" does not include any house or room occupied by a candidate as a dwelling, by reason only of the candidate transacting business there with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing in it electors, committee members or others;

"date of the allowance of an authorised excuse" has the meaning given by section 86(8) above, or paragraph 7 of Schedule 4 to this Act, as the case may be;

"declaration as to election expenses" means a declaration made under section 82 above, or, as the case may be, paragraph 3 of Schedule 4 to this Act;

"disputed claim" has the meaning given by section 79(1) above as extended by section 80 above;

"election expenses" in relation to an election means expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election;

"money" and "pecuniary reward" shall (except in sections 113 and 114 above) be deemed to include—

(*a*) any office, place or employment, and

(*b*) any valuable security or other equivalent of money, and

(*c*) any valuable consideration,

and expressions referring to money shall be construed accordingly;

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" payment " includes any pecuniary or other reward ;

" personal expenses " as used with respect to the expenditure of any candidate in relation to any election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election ;

" return as to election expenses " means a return (including the bills and receipts to be transmitted with it) to be made under section 81(1) above, or, as the case may be, paragraph 3 of Schedule 4 to this Act.

Computation of time for purposes of Part II.

119.—(1) Where the day or last day on which anything is required or permitted to be done by or in pursuance of this Part of this Act is any of the days mentioned in subsection (2) below—

(*a*) the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days ; and

(*b*) in computing any period of not more than 7 days for the purposes of this Part any of the days so mentioned shall be disregarded.

(2) The days referred to in subsection (1) above are—

(*a*) a Sunday ;

(*b*) a day of the Christmas break, of the Easter break, or of a bank holiday break ; and

(*c*) a day appointed for public thanksgiving or mourning.

(3) In this section—

" bank holiday break " means any bank holiday under the Banking and Financial Dealings Act 1971 (in England and Wales, in Scotland or in Northern Ireland, as the case may be) which is not included in the Christmas break or the Easter break and the period beginning with the last weekday before that bank holiday and ending with the next weekday which is not a bank holiday under that Act,

1971 c. 80.

" Christmas break " means the period beginning with the last weekday before Christmas Day and ending with the first weekday after Christmas Day which is not a bank holiday,

" Easter break " means the period beginning with the Thursday before and ending with the Tuesday after Easter Day,

but so much of this subsection as includes in a bank holiday break a period before and after a bank holiday does not apply in Scotland or Northern Ireland to a bank holiday which is not also a bank holiday in England and Wales, except in Scotland New Year's Day.

PART III

LEGAL PROCEEDINGS

Questioning of a parliamentary election

Method of questioning parliamentary election.

120.—(1) No parliamentary election and no return to Parliament shall be questioned except by a petition complaining of an undue election or undue return ("a parliamentary election petition") presented in accordance with this Part of this Act.

(2) A petition complaining of no return shall be deemed to be a parliamentary election petition and the High Court—

(*a*) may make such order on the petition as they think expedient for compelling a return to be made; or

(*b*) may allow the petition to be heard by an election court as provided with respect to ordinary election petitions.

Presentation and service of parliamentary election petition.

121.—(1) A parliamentary election petition may be presented by one or more of the following persons—

(*a*) a person who voted as an elector at the election or who had a right so to vote; or

(*b*) a person claiming to have had a right to be elected or returned at the election; or

(*c*) a person alleging himself to have been a candidate at the election.

(2) The number whose election or return is complained of is hereinafter referred to as the respondent, but if the petition complains of the conduct of a returning officer, the returning officer shall for the purposes of this Part of this Act be deemed to be a respondent.

(3) The petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner, or all the petitioners if more than one, and shall be presented to the High Court, or to the Court of Session, or to the High Court of Northern Ireland, depending on whether the constituency to which it relates is in England and Wales, or Scotland or Northern Ireland.

(4) The petition shall be presented by delivering it to the prescribed officer or otherwise dealing with it in the prescribed manner; and the prescribed officer shall send a copy of it to the returning officer of the constituency to which the petition relates, who shall forthwith publish it in that constituency.

(5) The petition shall be served as nearly as may be in the manner in which a writ or summons is served or in such other manner as may be prescribed.

PART III
Time for presentation or amendment of parliamentary election petition.

122.—(1) Subject to the provisions of this section, a parliamentary election petition shall be presented within 21 days after the return has been made to the Clerk of the Crown, or to the Clerk of the Crown for Northern Ireland, as the case may be, of the member to whose election the petition relates.

(2) If the petition questions the election or return upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by the member or on his account or with his privity since the time of that return in pursuance or in furtherance of the alleged corrupt practice, it may be presented within 28 days after the date of the payment.

(3) A petition questioning the election or return upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

(*a*) within 21 days after the day specified in subsection (4) below; or

(*b*) if specifically alleging a payment of money or some other act to have been made or done since the day so specified by the member to whose election the petition relates or an agent of his, or with the privity of that member or his election agent, in pursuance or in furtherance of the alleged illegal practice, within 28 days after the date of the payment or other act.

(4) The day referred to in subsection (3) above is the tenth day after the end of the time allowed for transmitting to the returning officer returns as to election expenses at the election or, if later—

(*a*) that on which the returning officer receives the return and declarations as to election expenses by that member and his election agent; or

(*b*) where the return and declarations are received on different days, the last of those days; or

(*c*) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.

(5) An election petition presented within the time limited by subsection (1) or subsection (2) above may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under subsection (3).

(6) Subsections (3), (4) and (5) above apply—

(*a*) notwithstanding that the act constituting the alleged

illegal practice amounted to a corrupt practice; and

(*b*) to a corrupt practice under section 75 above, as if it were an illegal practice.

(7) For the purposes of this section, an allegation that an election is avoided under section 164 below shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

(8) Except in Scotland, the jurisdiction vested by subsection (5) in the High Court shall, subject to rules of court, be exercised—

(*a*) by one of the judges for the time being on the rota for the trial of parliamentary election petitions,

(*b*) in Northern Ireland, by one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978, 1978 c. 23.

sitting either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to those judges.

Constitution of election court and place of trial.

123.—(1) A parliamentary election petition shall be tried by—

(*a*) two judges on the rota for the trial of parliamentary election petitions, and the judges for the time being on that rota shall, unless they otherwise agree, try the election petitions standing for trial according to their seniority,

(*b*) in Northern Ireland, the two judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978,

and the judges presiding at the trial of a parliamentary election petition are hereinafter referred to as the election court.

(2) The election court has, subject to the provisions of this Act, the same powers, jurisdiction and authority as a judge of the High Court (or, in Scotland, a judge of the Court of Session presiding at the trial of a civil cause without a jury) and shall be a court of record.

(3) The place of trial shall be within the constituency for which the election was held, but—

(*a*) the High Court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial; and

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(*b*) if that constituency is wholly or partly in Greater London, the petition may be heard at such place within Greater London as the High Court may appoint.

(4) The election court may adjourn the trial from one place to another within the constituency.

Judges' expenses and reception: England and Wales and Northern Ireland.

124. In relation to the trial of a parliamentary election petition—

(*a*) in England and Wales and Northern Ireland, the travelling and other expenses of the judges and all expenses properly incurred in receiving the judges and providing them with necessary accommodation and with a proper court shall be defrayed by the Treasury out of moneys provided by Parliament;

(*b*) in Northern Ireland, the judges shall be received—

(i) if the petition relates to a county constituency, by the sheriff; and

(ii) if the petition relates to a borough constituency, by the sheriff of the county or county borough which includes the constituency or the greater part of the constituency, or by a person named by that sheriff.

Judges' expenses and reception: Scotland.

125. In relation to the trial of a parliamentary election petition in Scotland—

(*a*) the judges shall be received at the place where they are about to try a parliamentary election petition in the same manner and by the same authorities, as far as circumstances admit, as a judge of the High Court of Justiciary is received at a circuit town, and shall be attended by such officer or officers as shall be necessary;

(*b*) the travelling and other expenses of the judges, and of the officer or officers in attendance on them, and all expenses properly incurred in providing the judges with a proper court shall be defrayed by the Treasury out of moneys provided by Parliament.

Attendance of House of Commons shorthand writer.

126.—(1) The shorthand writer of the House of Commons or his deputy shall attend the trial and shall be sworn by one of the judges of the election court faithfully and truly to take down the evidence given at the trial and from time to time as occasion requires to transcribe that evidence or cause it to be transcribed.

(2) The shorthand writer shall take down the evidence and from time to time transcribe it or cause it to be transcribed

and a copy of the evidence shall accompany the certificate given by the election court to the Speaker. PART III

(3) In Scotland and Northern Ireland the expenses of the shorthand writer shall be deemed to be part of the expenses incurred in receiving the judges.

Questioning of a local election

Method of questioning local election.

127. An election under the local government Act may be questioned on the ground that the person whose election is questioned—

(*a*) was at the time of the election disqualified, or

(*b*) was not duly elected,

or on the ground that the election was avoided by corrupt or illegal practices or on the grounds provided by section 164 or section 165 below, and shall not be questioned on any of those grounds except by an election petition.

Presentation of petition questioning local election.

128.—(1) A petition questioning an election under the local government Act may be presented either by four or more persons who voted as electors at the election or had a right so to vote, or by a person alleging himself to have been a candidate at the election.

(2) A person whose election is questioned by the petition, and any returning officer of whose conduct the petition complains, may be made a respondent to the petition.

(3) The petition shall be in the prescribed form signed by the petitioner and shall be presented in the prescribed manner—

(*a*) in England and Wales, to the High Court;

(*b*) in Scotland, to the sheriff principal of the sheriffdom in which the election took place or, where the election was in respect of a local authority whose area is situated within more than one sheriffdom, to the sheriffs principal of the sheriffdoms in which the area of the authority is situated.

(4) In England and Wales the prescribed officer shall send a copy of the petition to the proper officer of the authority for which the election was held, who shall forthwith publish it in the area of that authority.

Time for presentation or amendment of petition questioning local election.

129.—(1) Subject to the provisions of this section, a petition questioning an election under the local government Act shall be presented within 21 days after the day on which the election was held.

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(2) If the petition complains of the election—

(*a*) on the ground of a corrupt practice, and

(*b*) specifically alleges that a payment of money or other reward has been made or promised since the election by a candidate elected at the election, or on his account or with his privity, in pursuance or furtherance of that corrupt practice,

it may be presented at any time within 28 days after the date of the alleged payment or promise, whether or not any other petition against that person has been previously presented or tried.

(3) If the petition complains of the election—

(*a*) on the ground of an illegal practice, and

(*b*) specifically alleges a payment of money or other act made or done since the election by the candidate elected at the election, or by an agent of the candidate or with the privity of the candidate or his election agent, in pursuance or in furtherance of that illegal practice,

it may be presented at any time within 28 days after the date of that payment or act, whether or not any other petition against that person has been previously presented or tried.

(4) If the petition complains of an election where election expenses are allowed on the ground of an illegal practice, it may be presented at any time within 14 days after the day specified in subsection (5) below.

(5) The day referred to in subsection (4) above is—

(*a*) that on which the appropriate officer receives the return and declarations as to election expenses by that candidate and his election agent; or

(*b*) where the return and declarations are received on different days, the last of those days; or

(*c*) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them and the excuse was allowed at different times, the date of the allowance of the last excuse.

(6) An election petition presented within the time limited by subsection (1) or subsection (2) above may for the purpose of complaining of the election upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition complaining of the election on the ground of that illegal practice could, under this section, be presented.

In the application of this subsection to an election of councillors in Scotland, the reference in this subsection to subsection (2) above shall be omitted and for the reference to the High Court there shall be substituted a reference to the election court or the sheriff.

(7) Subsections (3), (4), (5) and (6) above apply—

(*a*) notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice; and

(*b*) to a corrupt practice under section 75 above as if it were an illegal practice.

(8) For the purposes of this section, an allegation that an election is avoided under section 164 below shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

(9) In relation to an election where candidates are not required to have election agents there shall be omitted—

(*a*) the references in subsection (3) and paragraph (*a*) of subsection (5) above to an election agent; and

(*b*) paragraphs (*b*) and (*c*) of subsection (5).

Election court for local election in England and Wales, and place of trial.

130.—(1) A petition questioning an election in England and Wales under the local government Act shall be tried by an election court consisting of a barrister qualified and appointed as provided by this section.

(2) A barrister shall not be qualified to constitute an election court—

(*a*) if he is of less than 15 years standing, or

(*b*) if the court is for the trial of an election petition relating to any local government area—

(i) in which he resides; or

(ii) which is included in a circuit on which he practises as a barrister.

(3) The judges for the time being on the rota for the trial of parliamentary election petitions, or any two of those judges—

(*a*) may annually appoint as many barristers, not exceeding five, as they may think necessary as commissioners for the trial of petitions questioning elections in England and Wales under the local government Act; and

(*b*) shall from time to time assign the petitions to be tried by each commissioner.

(4) If the commissioner to whom the trial of a petition is assigned dies, or declines to act or becomes incapable of acting, those judges or two of them may assign the trial to be conducted or continued by any other of the commissioners appointed under this section.

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(5) The election court has for the purposes of the trial the same powers and privileges as a judge on the trial of a parliamentary election petition.

(6) The place of trial shall be within the area of the authority for which the election was held, except that the High Court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial.

(7) The election court may in its discretion adjourn the trial from one place to another within the local government area or place where it is held.

Accommodation of and attendance on court.

131.—(1) The proper officer of the authority for which the election was held shall provide suitable accommodation for holding the election court constituted under section 130 above and any expenses incurred by him for the purposes of this section and section 132 below shall be paid by that authority.

(2) The election court so constituted may employ officers and clerks as prescribed, and all constables and bailiffs shall give their assistance to the court in the execution of its duties.

(3) A shorthand writer (whose expenses, according to a prescribed scale, shall be treated as part of the expenses incurred in receiving the election court) shall attend the trial before that court, and—

(*a*) shall be sworn by the court faithfully and truly to take down the evidence given at the trial, and

(*b*) shall take down such evidence at length,

and a transcript of the notes of the evidence taken down by him shall, if the election court so directs, accompany the court's certificate.

Remuneration and allowances.

132.—(1) The remuneration and allowances to be paid to the commissioner for his services in respect of that trial and to any officers, clerks or shorthand writers employed under section 131 above in relation to that trial shall be fixed by a scale made and varied by the judges on the rota for the trial of parliamentary election petitions, with the Treasury's approval.

(2) The remuneration and allowances shall be paid in the first instance by the Treasury and shall be repaid to the Treasury on their certificate by the authority for which the election was held.

Repayments under ss. 131 and 132.

133.—(1) The election court constituted under section 130 above may in its discretion order that—

(*a*) the expenses referred to in section 131 above, incurred by the proper officer of the authority for receiving the court, or

(*b*) the remuneration and allowances referred to in section 132 above,

shall be repaid, wholly or in part, to the proper officer of the authority or to the Treasury, as the case may be—

(i) when, in the opinion of the election court, the petition is frivolous and vexatious, by the petitioner;

(ii) when, in the opinion of the election court, the respondent has been personally guilty of corrupt practices at the election, by that respondent.

(2) The order so made for the repayment of any sum by a petitioner or respondent may be enforced as an order for payment of costs, but a deposit made or a security given under this Part of this Act shall not be applied for any such repayment until all costs and expenses payable by the petitioner or respondent to any party to the petition have been satisfied.

Election court for local election in Scotland, and place of trial.

134.—(1) An election petition questioning an election of councillors in Scotland, and all proceedings incidental to and consequent on it, except as otherwise provided, shall be tried—

(*a*) by the sheriff principal of the sheriffdom within which the challenged election took place; or

(*b*) where the election was in respect of a local authority whose area is situated within more than one sheriffdom, by the sheriffs principal of the sheriffdoms in which the area of the authority is situated; and where in such a case the sheriffs principal are unable to reach a unanimous decision, they shall state a case for the Court of Session and the Court may pronounce any deliverance which it would have been competent for the sheriffs principal to make.

(2) The election court has for the purposes of the trial the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of commital unless imposed or made by the Court of Session in consequence of a case stated under subsection (1) above may, on summary application by the person aggrieved, be discharged or varied by the Court of Session, or in vacation by the judge acting as vacation judge on such terms, if any, as the Court of Session or judge may think fit.

(3) The place of trial shall be such place within the sheriffdom or sheriffdoms in which the area of the local authority is situated as the election court may determine.

(4) The election court may in its discretion adjourn the trial from one place to another within that sheriffdom or those sheriffdoms.

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(5) The travelling and other expenses of the sheriff principal incurred by him in the execution of his duties under this Part of this Act shall be paid by the authority for which the election was held, but the election court may order repayment of those expenses to that authority by the parties to the petition or any of them, in such proportion as shall to the court seem proper.

(6) A shorthand writer shall attend at the trial of the petition, and shall be sworn by the election court faithfully and truly to take down the evidence given at the trial, and he shall take down the evidence at length.

Consequences of local election declared void.

135.—(1) Where on a petition questioning an election under the local government Act—

(*a*) the election of any person has been declared void, and

(*b*) no other person has been declared elected in his place,

a new election shall be held to fill the vacancy in the same manner as on a casual vacancy.

(2) For the purposes of that election any duties to be performed by any officer shall, if he has been declared not elected, be performed by a deputy or other person who might have acted for him if he had been incapacitated by illness.

(3) This section does not apply to Scotland

Procedure on all election petitions

Security for costs.

136.—(1) At the time of presenting an election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

(2) The security shall be—

(*a*) in the case of a parliamentary election petition, £1000; and

(*b*) in the case of a petition questioning an election under the local government Act, such amount not exceeding £500 as the High Court, or a judge of the High Court, on summons, directs,

and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other; but in Scotland—

(i) the amount mentioned in paragraph (*b*) above shall be such amount not exceeding £500 as the election court or the sheriff directs; and

(ii) the persons finding caution for that amount may exceed four.

(3) Within the prescribed time, not exceeding five days after the presentation of the petition, the petitioner shall serve on the respondent a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition.

(4) Within a further prescribed time, not exceeding five days after service of the notice, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.

(5) In the case of an election under the local government Act—

(*a*) in subsection (3) above, the service shall be in the prescribed manner;

(*b*) in that subsection and subsection (4) above, the periods mentioned shall be five days and not as prescribed.

(6) An objection to a recognisance shall be decided in the prescribed manner.

(7) If the objection is allowed, the petitioner may within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.

(8) If no security is given as required by this section or any objection is allowed and not removed as mentioned above, no further proceedings shall be had on the petition.

Petition at issue.

137. The petition shall be at issue—

(*a*) on the expiry of the time limited for objections; or

(*b*) if an objection is made, on that objection being disallowed or removed, whichever happens last.

List of petitions.

138.—(1) The prescribed officer shall—

(*a*) as soon as may be, make out a list of all election petitions at issue presented to the court of which he is officer, placing them in the order in which they were presented, and

(*b*) keep at his office a copy of the list, open to inspection in the prescribed manner,

and the petitions questioning elections under the local government Act shall be in a separate list, a copy of which shall be sent to each of the judges for the time being on the rota for the trial of parliamentary election petitions.

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(2) The petitions shall, so far as convenient, be tried in the order in which they stand in the list.

(3) In the case of a petition questioning an election under the local government Act, two or more candidates may be made respondents to the same petition, and their cases may be tried at the same time, but for the purposes of this Part of this Act the petition shall be deemed to be a separate petition against each respondent.

(4) Where more petitions than one are presented relating to the same election or to elections under the local government Act held at the same time for more than one electoral area in the same local government area, all those petitions shall be bracketed together in the election list and shall be dealt with as one petition, standing, unless the High Court otherwise direct, in the election list in the place where the last of them would have stood if it had been the only petition presented.

(5) Subsections (1), (2) and (4) above do not apply in relation to petitions questioning an election of councillors in Scotland but where two or more of those petitions are presented relating to the same election they shall be tried together.

Trial of petition.

139.—(1) An election petition shall be tried in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner, not less than, in the case of a parliamentary election petition, 14 days and in any other case, seven days, before the day of trial.

(2) The election court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.

(3) The trial of a parliamentary election petition shall be proceeded with notwithstanding the acceptance by the respondent of an office vacating his seat in Parliament and notwithstanding the prorogation of Parliament; and the trial of a petition questioning an election under the local government Act shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition.

(4) On the trial of a petition, unless the court otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation to it received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice.

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In relation to an election in England and Wales under the local government Act, this subsection applies as if corrupt practices included illegal practices.

(5) On the trial of a petition complaining of an undue election and claiming the seat or office for some person, the respondent may give evidence to prove that that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.

(6) If the petition relates to an election conducted under the parliamentary elections rules or the rules under section 36 or section 42 above and it appears that there is an equality of votes between any candidates at the election, and that the addition of a vote would entitle any of those candidates to be declared elected then—

(*a*) any decision under the provisions as to equality of votes in the parliamentary elections rules or the rules under section 36 or section 42, as the case may be, shall in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

(*b*) in so far as that question is not determined by such a decision, the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Witnesses.

140.—(1) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried in the High Court, but this subsection does not apply to Scotland in relation to an election of councillors.

(2) On the trial a member of the election court may, by order signed by him, require any person who appears to him to have been concerned in the election to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(3) The election court may examine any person so required to attend or who is in court although he is not called and examined by any party to the petition.

(4) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.

(5) The Director of Public Prosecutions shall obey any direction given him by the election court with respect to the summoning and examination of any witness to give evidence at the trial.

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(6) The Director of Public Prosecutions shall without any direction from the court cause any person appearing to him to be able to give material evidence as to the subject of the trial to attend the trial and shall, with the leave of the court, examine him as a witness.

(7) Subsections (5) and (6) above do not apply to Scotland, and in Scotland one of the deputes of the Lord Advocate or the procurator-fiscal of the district shall attend the trial of the petition as part of his official duty and shall give all necessary assistance to the court with respect to the citation of witnesses and the recovery of documents.

Duty to answer relevant questions.

141.—(1) A person called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with the election—

(*a*) on the ground that the answer to it may incriminate or tend to incriminate—

(i) that person or that person's husband or wife, or

(ii) in Scotland, that person ; or

(*b*) on the ground of privilege.

(2) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against—

(*a*) that person or that person's husband or wife ; or

(*b*) in Scotland, that person.

(3) A witness who answers truly all questions which he is required by the election court to answer shall be entitled to receive a certificate of indemnity signed by a member of the court stating that the witness has so answered.

(4) The giving or refusal to give a certificate of indemnity to a witness by an election court trying a petition questioning an election under the local government Act shall be final and conclusive.

Certificate of indemnity.

142.—(1) Where a person has received a certificate of indemnity under section 141 above in relation to an election, and any legal proceeding is at any time instituted against him for—

(*a*) any corrupt or illegal practice committed by him previously to the date of the certificate at or in relation to the election, or

(*b*) any illegal payment, employment or hiring so committed, or

(*c*) any offence under section 99(1) or section 110 above or section 149 below, so committed,

the court having cognizance of the case shall on production of the certificate stay the proceeding, and may in their discretion award to that person such costs as he may have been put to in the proceeding.

(2) Nothing in this section, and sections 140 and 141 above, and section 143 below, shall be deemed to relieve a person receiving a certificate of indemnity from any incapacity under this Act or from any proceedings to enforce that incapacity (other than a criminal prosecution).

Expenses of witnesses.

143.—(1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to him by a certificate of the election court or of the prescribed officer.

(2) If the witness was called and examined by virtue of section 140(2) above, the expenses referred to in subsection (1) above shall be deemed part of the expenses of providing a court, but otherwise they shall be deemed costs of the petition.

This subsection does not apply to Scotland in relation to an election of councillors.

Conclusion of trial of parliamentary election petition.

144.—(1) At the conclusion of the trial of a parliamentary election petition, the election court shall determine whether the member whose election or return is complained of, or any and what other person, was duly returned or elected or whether the election was void, and the determination so certified shall be final to all intents as to the matters at issue on the petition.

(2) The election court shall forthwith certify in writing the determination to the Speaker.

(3) If the judges constituting the election court—

(*a*) differ as to whether the member whose election or return is complained of was duly elected or returned, they shall certify that difference and the member shall be deemed to be duly elected or returned;

(*b*) determine that the member was not duly elected or returned but differ as to the rest of the determination, they shall certify that difference and the election shall be deemed to be void.

(4) Where any charge is made in the petition of any corrupt or illegal practice having been committed at the election the court shall, in addition to giving a certificate, and at the same time, make a report to the Speaker as required by sections 158 and 160 below and also stating whether corrupt or illegal practices have, or whether there is reason to believe that corrupt or illegal practices have, extensively prevailed at the election.

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(5) The election court may at the same time make a special report to the Speaker as to matters arising in the course of the trial an account of which in the judgment of the court ought to be submitted to the House of Commons.

(6) Every report sent to the Speaker under this section shall be signed by both judges of the election court and if the judges differ as to the subject of the report, they shall certify that difference and make no report on the subject on which they so differ.

(7) The House of Commons, on being informed by the Speaker of a certificate and any report of an election court, shall order the certificate and report (if any) to be entered in their Journals and shall give the necessary direction—

(*a*) for confirming or altering the return, or

(*b*) for issuing a writ for a new election, or

(*c*) for carrying the determination into execution as the circumstances may require,

and where the court make a special report, the House of Commons may make such order in respect of that report as they think proper.

Conclusion of trial of local election petition.

145.—(1) At the conclusion of the trial of a petition questioning an election under the local government Act, the election court shall determine whether the person whose election is complained of, or any and what other person, was duly elected, or whether the election was void, and the determination so certified shall be final to all intents as to the matters at issue on the petition.

(2) The election court shall forthwith certify in writing the determination to the High Court.

(3) Where a charge is made in the petition of any corrupt or illegal practice having been committed at the election the court shall, in addition to giving a certificate, and at the same time, make a report in writing to the High Court as required by sections 158 and 160 below and also stating whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election in the area of the authority for which the election was held or in any electoral area of that authority's area.

(4) The election court may at the same time make a special report to the High Court as to matters arising in the course of the trial an account of which in the judgment of the court ought to be submitted to the High Court.

(5) A copy of any certificate or report made to the High Court shall be sent by the High Court to the Secretary of State.

(6) The High Court shall by the signatures of two or more of its judges certify a copy of the certificate mentioned in subsection (5) above to the proper officer of the authority for which the election was held.

(7) The foregoing provisions of this section, except subsection (1) above, do not apply to Scotland, but where in a petition questioning an election of councillors in Scotland a charge is made of any corrupt or illegal practice having been committed at the election, the court—

(*a*) shall determine the matters mentioned in sections 158 and 160 below; and

(*b*) shall also determine whether any corrupt practices have, or whether there is reason to believe that any corrupt practices have, extensively prevailed at the election and whether illegal practices, payments, employments or hirings committed in reference to the election for the purpose of promoting the election of a candidate at the election have or have not so extensively prevailed that they may be reasonably supposed to have affected the result of the election.

Special case for determination of High Court.

146.—(1) If, on the application of any party to a petition made in the prescribed manner to the High Court, it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct it to be stated accordingly and the special case shall be heard before the High Court.

(2) In the case of a parliamentary election petition, the High Court shall certify to the Speaker its decision on the special case.

(3) In the case of a petition questioning an election in England and Wales under the local government Act, a statement of the decision on the special case shall be sent by the High Court to the Secretary of State and the High Court shall by the signatures of two or more of its judges also certify that statement to the proper officer of the authority for which the election was held.

(4) If it appears to the election court on the trial of an election petition that any question of law as to the admissibility of evidence or otherwise requires further consideration by the High Court, the election court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve the question by stating a case for the decision of the High Court.

In the application of this subsection to Northern Ireland the references to the High Court are to the Court of Appeal.

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(5) In Scotland the decision of the Court of Session on a special case under subsection (1) above shall be final and in the case of a petition questioning an election of councillors in Scotland, the application under subsection (1) for a direction for the statement of a case for the Court of Session shall be made to the election court.

Withdrawal of petition.

147.—(1) A petitioner shall not withdraw an election petition without the leave of the election court or High Court on special application, made in the prescribed manner and at the prescribed time and place.

In the application of this subsection to a petition questioning an election of councillors in Scotland there shall be omitted the reference to the High Court.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the constituency or local government area to which the petition relates.

(3) Where there are more petitioners than one, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.

Evidence required for withdrawal of petition.

148.—(1) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits—

(*a*) by all the parties to the petition and their solicitors, and

(*b*) if the election was an election at which candidates are required to have election agents, by the election agents of all of those parties who were candidates at the election,

but the High Court may on cause shown dispense with the affidavit of any particular person if it seems to the court on special grounds just so to do.

In the application of this subsection to an election of councillors in Scotland, the reference to the High Court is to an election court, but, if the election was a local government election, the sheriff may act instead of the election court.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief—

(*a*) no agreement or terms of any kind whatsoever has or have been made, and

(*b*) no undertaking has been entered into, in relation to the withdrawal of the petition,

but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that

agreement and shall make the foregoing statement subject to what appears from the affidavit. PART III

(3) The affidavits of the applicant and his solicitor shall further state the ground on which the petition is sought to be withdrawn.

(4) Copies of those affidavits shall be delivered to the Director of Public Prosecutions a reasonable time before the application for the withdrawal is heard, and the court—

(*a*) may hear the Director of Public Prosecutions or his assistant or other representative (appointed with the Attorney General's approval) in opposition to the allowance of the withdrawal of the petition ; and

(*b*) shall have power to receive the evidence on oath of any person or persons whose evidence the Director of Public Prosecutions or his assistant, or other representative, may consider material.

In the application of this subsection to an election of councillors in Scotland the references to the Director of Public Prosecutions include references to the procurator-fiscal.

(5) Where more than one solicitor is concerned for the petitioner or respondent, whether as agent for another solicitor or otherwise, the affidavit shall be made by all such solicitors.

(6) Except in Scotland, the jurisdiction vested by subsection (1) above in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised—

(*a*) by one of the judges for the time being on the rota for the trial of parliamentary election petitions,

(*b*) in Northern Ireland, by one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978, 1978 c. 23.

sitting either in court or at chambers, or may be exercised by a master of the Supreme Court in manner directed by and subject to appeal to those judges.

Penalty for corrupt withdrawal and breach of s. 148.

149. If a person makes any agreement or terms, or enters into any undertaking, in relation to the withdrawal of an election petition, and such agreement, terms or undertaking—

(*a*) is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat or office should at any time be vacated, or in consideration of the withdrawal of any other election petition, or

(*b*) is or are (whether lawful or unlawful) not mentioned in

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the affidavits referred to in section 148 above,

he shall be liable—

(i) on conviction on indictment (except in Northern Ireland) to imprisonment for a term not exceeding one year or to a fine or to both ;

(ii) on conviction on indictment in Northern Ireland to imprisonment for a term not exceeding one year or to a fine not exceeding £200 or to both.

Substitution of new petitioner.

150.—(1) On the hearing of the application for leave to withdraw, any person who might have been a petitioner in respect of the election may apply to the court to be substituted as a petitioner, and the court may, if they think fit, substitute him accordingly.

(2) If the proposed withdrawal is in the opinion of the court the result of any agreement, terms or undertaking prohibited by section 149 above or induced by any corrupt bargain or consideration, the court may by order direct—

(*a*) that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and

(*b*) that, to the extent of the sum named in the security, the original petitioner and his sureties shall be liable to pay the costs of the substituted petitioner.

(3) If the court does not so direct, then security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within the prescribed time after the order of substitution.

(4) Subject to the above provisions, a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

Report on withdrawal.

151.—(1) In every case of the withdrawal—

(*a*) of a parliamentary election petition, the court giving leave for the withdrawal shall make a report to the Speaker as required by subsection (2) below ; and

(*b*) by leave of the election court, of a petition questioning an election in England and Wales under the local government Act, that court shall make a report in writing to the High Court as so required.

(2) The report shall state whether in the court's opinion the withdrawal of the petition was—

(*a*) the result of any agreement, terms or undertaking, or

(*b*) in consideration of any payment, or in consideration that the seat or office should at any time be vacated or in consideration of the withdrawal of any other election petition or for any other consideration,

and, if so, shall state the circumstances attending the withdrawal.

Abatement of petition.

152.—(1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement shall not affect the liability of the petitioner or any other person to the payment of costs previously incurred.

(3) On the abatement the prescribed notice of it shall be given in the constituency or local government area to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to the election court or High Court in the prescribed manner and in the prescribed time and place to be substituted as a petitioner; and the court may, if it thinks fit, substitute him accordingly.

(4) Security shall be given on behalf of a petitioner so substituted, as in the case of a new petition.

(5) In the application of this section to an election of councillors in Scotland the reference in subsection (3) above to the High Court shall be omitted, and the sheriff may act instead of the election court.

Withdrawal and substitution of respondents before trial.

153.—(1) If before the trial of an election petition a respondent other than a returning officer—

(*a*) gives the prescribed notice that he does not intend to oppose the petition or dies, or

(*b*) where the petition questions a parliamentary election or return, is summoned to Parliament as a peer by a writ issued under the Great Seal of the United Kingdom or the House of Commons have resolved that his seat is vacant, or

(*c*) where the petition questions an election under the local government Act, resigns or otherwise ceases to hold the office to which the petition relates,

notice of any of those matters shall be given in the constituency or local government area to which the petition relates, and, within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election may apply to a member of the election court or to the High Court to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three.

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(2) The notice to be given under subsection (1) above in any local government area shall be such as may be prescribed.

(3) A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against the petition in any proceedings on the petition, and if the petition relates to a parliamentary election he shall not sit or vote in the House of Commons until the House of Commons has been informed of the report on the petition.

(4) Where a respondent to a parliamentary election petition has given that notice in the prescribed time and manner, the High Court or either of the judges constituting the election court shall report that fact to the Speaker.

(5) In the application of this section to an election of councillors in Scotland, the reference to the High Court shall be omitted and the sheriff may act instead of the election court.

Costs of petition.

154.—(1) All costs of and incidental to the presentation of an election petition and the proceedings consequent on it, except such as are by this Act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the election court or High Court may determine.

(2) In particular—

(*a*) any costs which in the opinion of the election court or High Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and

(*b*) any needless expense incurred or caused on the part of the petitioner or respondent,

may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.

(3) In the application of this section to Scotland, references to the High Court shall be omitted in relation to an election of councillors.

Neglect or refusal to pay costs.

155.—(1) Subsection (2) below applies if a petitioner neglects or refuses—

(*a*) in the case of a parliamentary election petition, for six months after demand, and

(*b*) in the case of a petition questioning an election under the local government Act, for three months after demand,

to pay to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to that person or

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the respondent for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court, or, in Scotland, the election court.

(2) Where subsection (1) above applies, every person who under this Act entered into a recognisance relating to that petition shall be held to be in default of the recognisance, and—

(*a*) the prescribed officer shall thereupon certify the recognisance to be forfeited, and

(*b*) it shall be dealt with as if forfeited by the Crown Court, or, in Northern Ireland, under the Fines Act (Ireland) 1851, as the case may be, 1851 c. 90.

but in Scotland the prescribed officer shall, where otherwise competent under the provisions of this subsection—

(i) certify that the conditions contained in the bond of caution have not been fulfilled ; and

(ii) it shall then be competent for the party or parties interested to register that bond, and do diligence upon it as accords of law.

Further provision as to costs.

156.—(1) Where upon the trial of an election petition it appears to the election court—

(*a*) that a corrupt practice has not been proved to have been committed in reference to the election by or with the knowledge and consent of the respondent to the petition, and

(*b*) that the respondent took all reasonable means to prevent corrupt practices being committed on his behalf,

the court may make one or more orders with respect to the payment either of the whole or such part of the costs of the petition as the court think right as provided by subsection (2) or subsection (5) below.

(2) If it appears to the court that corrupt practices extensively prevailed in reference to the election, the court may order the whole or part of the costs to be paid—

(*a*) in the case of a parliamentary election, by the constituency for which the election was held ; and

(*b*) in the case of an election under the local government Act, by the authority for which the election was held.

(3) The Treasury shall—

(*a*) pay any costs ordered to be paid by a constituency under subsection (2) above, and

(*b*) obtain repayment of the amount so paid from the authority liable to pay registration expenses for that constituency,

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but that authority shall be entitled to the like contribution, if any, from any other local authority, and any such contribution shall be paid in like manner as if those costs were registration expenses, and the Treasury may recover any advance so made by deduction from any sums payable under Part I of this Act to that authority or in any other manner.

In relation to Northern Ireland the reference to the authority liable to pay registration expenses shall be taken as a reference to the district council for the district in which the constituency is wholly or partly situated and, where more than one council is concerned, those costs shall be paid by them in such proportion as the Secretary of State may direct.

(4) Where under subsection (3) above the Treasury pay any costs ordered to be paid by a constituency which is situated—

(*a*) partly in one district or London borough and partly in another, or

(*b*) partly in a London borough and partly in the City and the Inner Temple and the Middle Temple,

the authority from which the Treasury are to obtain repayment of the amount under this section shall be the authority which appointed the registration officer who is acting returning officer for the constituency, and such contributions shall be made to that authority by any other local authority as the Secretary of State may direct.

(5) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in reference to the election, the court may, after giving that person or those persons an opportunity of being heard by counsel or solicitor and examining and cross-examining witnesses to show cause why the order should not be made—

(*a*) order the whole or part of the costs to be paid by that person, or those persons or any of them, and

(*b*) order that if the costs cannot be recovered from one or more of those persons they shall be paid by some other of those persons or by either of the parties to the petition.

(6) Where any person appears to the court to have been guilty of a corrupt or illegal practice, the court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to that offence or to that person to be paid by that person to such person or persons as the court may direct.

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Appeals and jurisdiction.

157.—(1) No appeal lies without the special leave of the High Court from the decision of the High Court on any question of law, whether on appeal or otherwise, under the foregoing provisions of this Part of this Act, and if leave to appeal is granted the decision of the Court of Appeal in the case shall be final and conclusive.

(2) Subject to the provisions of this Act and of the rules made under it, the principles, practice and rules on which committees of the House of Commons used to act in dealing with election petitions shall be observed, so far as may be, by the High Court and election court in the case of election petitions, and in particular the principles and rules with regard to—

(*a*) agency,

(*b*) evidence,

(*c*) a scrutiny, and

(*d*) declaring any person elected in place of any other person declared not to have been duly elected,

shall be observed, as far as may be, in the case of a petition questioning an election under the local government Act as in the case of a parliamentary election petition.

(3) The High Court has, subject to the provisions of this Act, the same powers, jurisdiction and authority with respect to an election petition and the proceedings on it as if the petition were an ordinary action within its jurisdiction.

(4) The duties to be performed in relation to parliamentary elections by the prescribed officer under this Part shall be performed by such one or more of the masters of the Supreme Court (Queen's Bench Division) as the Lord Chief Justice may determine.

(5) There shall be awarded to those masters respectively, in addition to their salaries payable apart from this subsection, such remuneration for the performance of their duties in relation to parliamentary elections under this Part as the Lord Chief Justice with the Treasury's consent may determine.

(6) The duties to be performed in relation to elections under the local government Act by the prescribed officer under this Part shall be performed by the prescribed officer of the High Court.

(7) In the application of this section to Scotland, subsections (1) and (4) to (6) above and, in relation to elections of councillors, subsection (3) above, shall be omitted, but the duties to be performed in relation to parliamentary elections by the prescribed officer under this Part shall be performed by the Principal Clerk of Session.

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(8) Subsection (1) above does not apply in Northern Ireland and, in the application of subsections (4) and (5) to Northern Ireland, the references to the Lord Chief Justice are references to the Lord Chief Justice of Northern Ireland and the reference to any master of the Supreme Court (Queen's Bench Division) is a reference to an officer of the Supreme Court of Judicature of Northern Ireland.

Consequences of finding by election court of corrupt or illegal practice

Report as to candidate guilty of a corrupt or illegal practice.

158.—(1) The report of an election court under section 144 or section 145 above shall state whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, and the nature of the corrupt or illegal practice.

(2) For the purposes of sections 159 and 160 below—

(*a*) if it is reported that a corrupt practice other than treating or undue influence was committed with the knowledge and consent of a candidate, he shall be treated as having been reported personally guilty of that corrupt practice, and

(*b*) if it is reported that an illegal practice was committed with the knowledge and consent of a candidate at a parliamentary election, he shall be treated as having been reported personally guilty of that illegal practice.

(3) The report shall also state whether any of the candidates has been guilty by his agents of any corrupt or illegal practice in reference to the election ; but if a candidate is reported guilty by his agents of treating, undue influence or any illegal practice, and the court further reports that the candidate has proved to the court—

(*a*) that no corrupt or illegal practice was committed at the election by the candidate or his election agent and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or his election agent, and

(*b*) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at the election, and

(*c*) that the offences mentioned in the report were of a trivial, unimportant and limited character, and

(*d*) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,

then the candidate shall not be treated for the purposes of section 159 as having been reported guilty by his agents of the offences mentioned in the report.

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In relation to an election where candidates are not required to have election agents, for paragraphs (*a*) and (*b*) above the following paragraphs shall be substituted—

" (*a*) that no corrupt or illegal practice was committed at the election by the candidate or with his knowledge or consent and the offences mentioned in the report were committed without the sanction or connivance of the candidate, and

(*b*) that all reasonable means for preventing the commission of corrupt and illegal practices at the election were taken by and on behalf of the candidate,".

Candidate reported guilty of corrupt or illegal practice.

159.—(1) If a candidate who has been elected is reported by an election court personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

(2) A candidate at a parliamentary election shall also be incapable from the date of the report of being elected to and sitting in the House of Commons for the constituency for which the election was held or any constituency which includes the whole or any part of the area of the first-mentioned constituency as constituted for the purposes of the election—

(*a*) if reported personally guilty of a corrupt practice, for ten years;

(*b*) if reported guilty by his agents of a corrupt practice or personally guilty of an illegal practice, for seven years;

(*c*) if reported guilty by his agents of an illegal practice, during the Parliament for which the election was held.

(3) A candidate at an election under the local government Act shall also be incapable from the date of the report of holding any corporate office in the local government area for which the election was held, or in any local government area which includes the whole or any part of the area of the first-mentioned local government area as constituted for the purposes of the election, or, if the election was in Scotland, of holding any corporate office in Scotland—

(*a*) if reported personally guilty of a corrupt practice, for ten years,

(*b*) if reported guilty by his agents of a corrupt practice, for three years,

(*c*) if reported personally guilty or guilty by his agents of an illegal practice, during the period for which the candidate was elected to serve or for which if elected he might have served,

and if at the date of the report he holds any such corporate office, then the office shall be vacated as from that date.

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In this subsection "corporate office" in England and Wales means the office of chairman, mayor or councillor of a county, London borough, district or parish or community council or of chairman of a parish or community meeting; and in Scotland the office of councillor of any local authority.

(4) The provisions of this section as to the consequences of the report that a candidate was guilty by his agents of a corrupt or illegal practice have effect subject to the express provisions of this Act relating to particular acts which are declared to be corrupt or illegal practices.

Persons reported personally guilty of corrupt or illegal practices.

160.—(1) The report of the election court under section 144 or section 145 above shall state the names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt or illegal practice and whether they have been provided with certificates of indemnity, but in the case of someone—

(*a*) who is not a party to the petition, or

(*b*) who is not a candidate on behalf of whom the seat or office is claimed by the petition,

the election court shall first cause notice to be given to him, and if he appears in pursuance of the notice shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2) It is the duty of the Director of Public Prosecutions to obey any directions given to him by the election court with respect to any person to whom such a notice is given.

(3) The report shall be laid before the Attorney General with a view to his instituting or directing a prosecution against such persons as have not received certificates of indemnity, if the evidence should, in his opinion, be sufficient to support a prosecution.

(4) Subject to the provisions of section 174 below, a candidate or other person reported by an election court personally guilty of a corrupt practice shall for five years from the date of the report be incapable—

(*a*) of being registered as an elector or voting at any parliamentary election in the United Kingdom or at any election in Great Britain to any public office, and

(*b*) of being elected to and sitting in the House of Commons, and

(*c*) of holding any public or judicial office,

and, if already elected to the House of Commons or holding such office, shall from that date vacate the seat or office.

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(5) Subject to the provisions of section 174, a candidate or other person reported by an election court personally guilty of an illegal practice shall for five years from the date of the report be incapable of being registered as an elector or voting at any parliamentary election or at any election to a public office held—

(*a*) if the offence was committed in reference to a parliamentary election, for or within the constituency for which it was held or for or within any constituency or local government area wholly or partly within the area of the first-mentioned constituency as constituted for the purposes of the election;

(*b*) if the offence was committed in reference to an election under the local government Act, for or within the local government area for which the election was held or for or within any constituency or local government area wholly or partly within the area of the first-mentioned local government area as constituted for the purposes of the election.

Where the offence was committed in reference to an election of councillors in Scotland, for the reference to an election to a public office there shall be substituted a reference to an election to the office of councillor.

(6) Without prejudice to the generality of the provisions of section 205(2) below, nothing in subsection (4) or subsection (5) above affects matters relating to the Northern Ireland Assembly or local elections or holding office in Northern Ireland.

(7) The provisions of this section as to the consequences of the report that a candidate was guilty by his agents of a corrupt or illegal practice have effect subject to the express provisions of this Act relating to particular acts which are declared to be corrupt or illegal practices.

Director of Public Prosecutions' duty to report corrupt practice

Justice of the Peace.

161. Where a justice of the peace is reported by an election court to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not, it is the duty of the Director of Public Prosecutions to report the case to the Lord Chancellor with such evidence as may have been given of the corrupt practice.

Member of legal and certain other professions.

162. Where a barrister, advocate, solicitor or any person who belongs to any profession the admission to which is regulated by law is reported by an election court to have been guilty of any corrupt practice in reference to an election, whether he has obtained a certificate of indemnity or not—

(*a*) it is the duty of the Director of Public Prosecutions to

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bring the matter before the Inn of Court, High Court or tribunal having power to take cognizance of any misconduct of the person in his profession ; and

(*b*) the Inn of Court, High Court or tribunal may deal with him as if the corrupt practice were misconduct by him in his profession.

Holder of licence or certificate under Licensing Acts.

163.—(1) If it appears to an election court that a person holding a licence or certificate under the Licensing Acts has knowingly permitted any bribery or treating in reference to any election to take place upon his licensed premises—

(*a*) the court shall, after affording him such rights as are conferred on those about to be reported under section 160(1) above, report the fact; and

(*b*) whether that person has obtained a certificate of indemnity or not, it is the duty of the Director of Public Prosecutions to bring the report before the licensing authority from whom, or on whose certificate, that person obtained his licence, and the licensing authority shall cause the report to be entered in the proper register of licences.

(2) The entry of the report in that register shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate of the person reported and may be a ground, if the authority think fit, for refusing renewal.

Further provision as to avoidance of elections and striking off votes

Avoidance of election for general corruption etc.

164.—(1) Where on an election petition it is shown that corrupt or illegal practices or illegal payments, employments or hirings committed in reference to the election for the purpose of promoting or procuring the election of any person at that election have so extensively prevailed that they may be reasonably supposed to have affected the result—

(*a*) his election, if he has been elected, shall be void, and

(*b*) he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

(2) An election shall not be liable to be avoided otherwise than under this section by reason of general corruption, bribery, treating or intimidation.

(3) An election under the local government Act may be questioned on the ground that it is avoided under this section.

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Avoidance of election for employing corrupt agent.

165.—(1) If at a parliamentary or local government election a candidate or his election agent personally engages as a canvasser or agent for the conduct or management of the election any person whom he knows or has reasonable grounds for supposing to be subject to an incapacity to vote at the election by reason—

(*a*) of his having been convicted or reported of any corrupt or illegal practice within the meaning of this Act or of the law relating to elections for the Northern Ireland Assembly, or

(*b*) of his having been convicted more than once of an offence under the Public Bodies Corrupt Practices Act 1889, 1889 c. 69.

the candidate shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.

(2) A local government election may be questioned on the ground that the person whose election is questioned was, at the time of the election, by virtue of this section incapable of being elected.

(3) A vote given for a person who, at the time of the election, was by virtue of this section incapable of being elected shall not, by reason of that incapacity, be deemed to be thrown away so as to entitle another candidate to be declared elected, unless given at a poll consequent on the decision of an election court that he was so incapable.

Votes to be struck off for corrupt or illegal practices.

166.—(1) Where, on a parliamentary election petition claiming the seat for any person, a candidate is proved to have been guilty by himself, or by any person on his behalf, of bribery, treating or undue influence in respect of any person who voted at the election there shall, on a scrutiny, be struck off from the number of votes appearing to have been given to the candidate one vote for every person who voted at the election and is proved to have been so bribed, treated or unduly influenced.

(2) If any person who is guilty of a corrupt or illegal practice or of illegal payment, employment or hiring at an election votes at the election, his vote shall be void.

(3) If any person who is subject under any enactment relating to corrupt or illegal practices to an incapacity to vote at a parliamentary election or an election to any public office votes at that election, his vote shall be void.

Power to except innocent act from being illegal practice, payment, employment or hiring

Application for relief.

167.—(1) An application for relief under this section may be made to the High Court or an election court or else, if in

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respect of a payment made in contravention of section 78(1) or (2) above, or of paragraph 1 of Schedule 4 to this Act, to a county court.

(2) If it is shown to the court by such evidence as to the court seems sufficient—

(*a*) that any act or omission of any person would apart from this section by reason of being in contravention of this Act be an illegal practice, payment, employment or hiring,

(*b*) that the act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and

(*c*) that such notice of the application has been given in the constituency or, as the case may be, the area of the authority for which the election was held, as to the court seems fit,

and under the circumstances it seems to the court to be just that either that or any other person should not be subject to any of the consequences under this Act of the act or omission, the court may make an order allowing the act or omission to be an exception from the provisions of this Act making it an illegal practice, payment, employment or hiring and upon the making of the order no person shall be subject to any of the consequences under this Act of that act or omission.

(3) In relation to an election of councillors in Scotland, the references in subsection (1) to applications to the High Court or a county court shall be omitted.

(4) Except in Scotland, the jurisdiction vested by the above provisions of this section in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by—

(*a*) one of the judges for the time being on the rota for the trial of parliamentary election petitions,

(*b*) in Northern Ireland, one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978, 1978 c. 23.

sitting either in court or at chambers but shall not be exercisable by a master.

(5) The jurisdiction vested by this section in a county court may, except in Northern Ireland, be exercised otherwise than in open court, and, in Northern Ireland, shall be exercised in accordance with rules of court.

An appeal lies to the High Court from any order of a county court made under this section.

Prosecutions for corrupt or illegal practices PART III

Prosecutions for corrupt practices.

168.—(1) A corrupt practice shall be punishable on conviction on indictment or on summary conviction (including conviction under section 171 below by an election court), but a person shall not be prosecuted summarily where there may be occasion to exercise the powers conferred by subsections (1) and (2) of section 174 below.

(2) A person convicted on indictment of a corrupt practice, other than personation or aiding, abetting, counselling or procuring the commission of the offence of personation, shall be liable—

(*a*) except in Northern Ireland, to imprisonment for a term not exceeding one year or to a fine;

(*b*) in Northern Ireland, to imprisonment for a term not exceeding one year or to a fine not exceeding £200.

(3) A person who commits the offence of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation shall be guilty of an offence and if convicted of it on indictment shall be liable to imprisonment for a term not exceeding two years.

(4) A person shall be liable if summarily convicted of a corrupt practice—

(*a*) by a magistrates' court in England and Wales or a court of summary jurisdiction in Scotland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum or to both;

(*b*) by a court of summary jurisdiction in Northern Ireland, to imprisonment for a term not exceeding 3 months or to a fine not exceeding £100 or to both;

(*c*) by an election court, to imprisonment for a term not exceeding 6 months, or, in England and Wales or in Scotland, to a fine not exceeding the statutory maximum, or in Northern Ireland, to a fine not exceeding £200.

(5) In England and Wales and Northern Ireland a person charged with personation shall not be convicted by a magistrates' court or, save under section 171 below, committed for trial, except on the evidence of not less than two credible witnesses.

(6) In Scotland, a person charged with personation shall not be convicted except on the evidence of not less than two credible witnesses.

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(7) If it appears to the court by which any person holding a licence or certificate under the Licensing Acts is convicted of the offence of bribery or treating that the offence was committed on his licensed premises—

(*a*) the court shall direct the conviction to be entered in the proper register of licences, and

(*b*) the entry shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate, and may be a ground, if the authority think fit, for refusing its renewal.

Prosecutions for illegal practices.

169. A person guilty of an illegal practice shall on summary conviction (including conviction under section 171 below by an election court) be liable to a fine not exceeding level 3 on the standard scale, or, in Northern Ireland, to a fine not exceeding £100; and on a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

Conviction of illegal practice on charge of corrupt practice etc.

170. A person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an indictable offence), and a person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

Election petition offences in England and Wales and Northern Ireland.

171.—(1) The Director of Public Prosecutions shall obey any direction given to him by an election court with respect to the prosecution by him of offenders, and if it appears to him that a person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, he shall—

(*a*) without any such direction, prosecute that person for that offence before the election court, or

(*b*) if he thinks it expedient in the interests of justice, prosecute him before any other competent court.

(2) Where a person prosecuted before an election court appears before the court, the court shall proceed to try him summarily unless the court thinks it expedient in the interests of justice that he should be tried before some other court, but in the case of a corrupt practice, the court before proceeding to try him summarily shall give him the option of being tried by a jury.

(3) The Magistrates' Courts Act 1980 (or, in Northern Ireland, the Magistrates' Courts (Northern Ireland) Order 1981) shall, in principle and so far as practicable, apply to the prosecution of an offence summarily before an election court in like manner as if it were an offence punishable only on summary conviction, and accordingly— PART III 1980 c. 43. S.I. 1981/1675 (N.I. 26).

(*a*) the attendance of any person may be enforced,

(*b*) the case heard and determined,

(*c*) any summary conviction by such court carried into effect and enforced,

(*d*) the case's costs paid, and

(*e*) the case's record dealt with,

under that Act or Order in like manner as if the court were a magistrates' court for the county or place in which the conviction took place, but no appeal lies against a conviction by an election court.

(4) Where—

(*a*) the person prosecuted does not appear before the court, or

(*b*) the court thinks it expedient in the interests of justice that he should be tried before some other court, or

(*c*) the person prosecuted elects under subsection (2) above to be tried by a jury,

and the court is of opinion that the evidence is sufficient to put that person on trial for the offence, the court shall order that person to be prosecuted either on indictment or before a magistrates' court, as the case may require, for the offence and thereupon shall proceed as directed by subsection (6), (7) or (8) below, but, except where the accused has elected to be tried by a jury, a corrupt practice shall not for the purposes of the following provisions of this section be deemed to be an indictable offence if the election court think that it should be prosecuted summarily.

(5) The court may name the court before whom the person is to be prosecuted and for all purposes preliminary to and of and incidental to the prosecution the offence shall be deemed to have been committed within the jurisdiction of the court so named.

(6) If the accused is present before the court and the offence is an indictable offence, the enactments relating to charges before justices against persons for indictable offences shall in principle and so far as practicable apply and the court shall commit him for trial.

PART III

(7) If the accused is present before the court and the offence is not an indictable offence, the election court—

(*a*) shall order him to be brought before the magistrates' court before whom he is to be prosecuted ; or

1976 c. 63.

(*b*) grant him bail in accordance with the Bail Act 1976 subject to a duty (or, in Northern Ireland, cause him to give bail) to appear before that magistrates' court.

(8) If the accused is not present before the court, the court shall as circumstances require issue a summons for his attendance, or a warrant to apprehend him and bring him before a magistrates' court.

(9) The magistrates' court before whom he attends or is brought shall—

(*a*) if the offence is an indictable offence, on proof only of the summons or warrant and the identity of the accused, commit him for trial ; and

(*b*) if the offence is not an indictable offence, proceed to try the case or, if the magistrates' court is not the court before which he is directed to be prosecuted, order him to be brought before that court,

1980 c. 43.

and sections 18 to 23 and 25 and 26 of the Magistrates' Courts Act 1980 shall (in either case) not apply.

(10) This section does not apply in Scotland.

Election petition offences in Scotland.

172.—(1) If at the trial in Scotland of an election petition the election court grants a warrant for the apprehension, commitment or citation of any person suspected of being guilty of a corrupt or illegal practice, the case shall be reported to the Lord Advocate in order that that person may be brought to trial before the High Court of Justiciary or the sheriff principal according to the nature of the case.

(2) It is the duty of the advocate depute or, in his absence, the procurator-fiscal, if it appears to him that a corrupt or illegal practice has been committed by any person who has not received a certificate of indemnity, to report the case to the Lord Advocate with a view to that person being brought to trial before the proper court, although no warrant may have been issued by the election court.

(3) All prosecutions directed to be tried in the sheriff court shall be tried by the sheriff principal.

(4) Any criminal court in Scotland, before which a prosecution is instituted on indictment for a corrupt practice, may order the accused to pay to the prosecutor the prosecutor's reasonable costs of the prosecution.

PART III
Incapacities on conviction of corrupt or illegal practice.

173. Subject to the provisions of section 174 below, but in addition to any punishment as provided by the above provisions—

(*a*) a person convicted of a corrupt practice on indictment or by an election court shall be subject to the incapacities imposed by section 160(4) above as if at the date of the conviction he had been reported personally guilty of that corrupt practice ; and

(*b*) a person convicted of an illegal practice shall be subject to the incapacities imposed by section 160(5) as if at the date of the conviction he had been reported personally guilty of that illegal practice.

Mitigation and remission of incapacities

Mitigation and remission etc.

174.—(1) Where—

(*a*) any person is subject to any incapacity by virtue of the report of an election court, and

(*b*) he or some other person in respect of whose acts the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed,

the court may order that the incapacity shall thenceforth cease so far as it is imposed in respect of those matters.

(2) Where any person who is subject to any incapacity as mentioned above is on a prosecution convicted of any such matters as are mentioned above, no further incapacity shall be taken to be imposed by reason of the conviction, and the court shall have the like power (if any) to mitigate or remit for the future the incapacity so far as it is imposed by section 160 above in respect of the matters of which he is convicted, as if the incapacity had been imposed by reason of the conviction.

(3) A court exercising any of the powers conferred by subsections (1) and (2) above shall make an order declaring how far, if at all, the incapacities imposed by virtue of the relevant report remain unaffected by the exercise of that power, and that order shall be conclusive for all purposes.

(4) Where a person convicted of a corrupt or illegal practice is subsequently reported to have been guilty of that practice by an election court, no further incapacity shall be imposed on him under section 160 by reason of the report.

(5) Where any person is subject to any incapacity by virtue of a conviction or of the report of an election court, and any witness who gave evidence against that person upon the proceeding for the conviction or report is convicted of perjury in respect

PART III

of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

(6) Except in Scotland, the jurisdiction vested in the High Court by subsection (5) above in matters relating to parliamentary elections shall, subject to rules of court, be exercised—

(*a*) by one of the judges for the time being on the rota for the trial of parliamentary election petitions,

(*b*) in Northern Ireland, by one of the judges of the High Court or the Court of Appeal for the time being selected under section 108 of the Judicature (Northern Ireland) Act 1978,

1978 c. 23.

either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to those judges.

Illegal payments, employments or hirings

Illegal payments etc.

175.—(1) A person guilty of an offence of illegal payment, employment or hiring shall, on summary conviction, be liable to a fine not exceeding level 3 on the standard scale, or, in Northern Ireland, to a fine not exceeding £100; and on a prosecution for such an offence it shall be sufficient to allege that the person charged was guilty of an illegal payment, employment or hiring as the case may be.

(2) A candidate or election agent who is personally guilty of an offence of illegal payment, employment or hiring shall be guilty of an illegal practice, and if an offence of illegal payment, employment or hiring is committed with the candidate's knowledge and consent at an election where candidates are not required to have election agents, the candidate shall be guilty of an illegal practice.

(3) Any person charged with an offence of illegal payment, employment or hiring may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

General provisions as to prosecutions

Time limit for prosecutions.

176.—(1) A proceeding against a person in respect of any offence to which this section applies shall be commenced within one year after the offence was committed, and the time so limited by this section shall, in the case of any proceedings under the Magistrates' Courts Act 1980 (or, in Northern Ireland, the Magistrates' Courts (Northern Ireland) Order 1981) for any such

1980 c. 43.
S.I. 1981/1675 (N.I 26)

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offence, whether before an election court or otherwise, be substituted for any limitation of time contained in that Act or Order.

(2) For the purpose of this section, the issue of a summons, warrant or other process (in this subsection collectively "the process") shall be deemed to be a commencement of the proceeding—

(*a*) where the service or execution of the process on or against the alleged offender is prevented by his absconding or concealment or act; but

(*b*) except as mentioned in paragraph (*a*) above, service or execution of the process on or against the alleged offender, and not its issue, shall be deemed to be that commencement.

(3) This section applies to any corrupt or illegal practice, any illegal payment, employment or hiring and any offence under section 99(1), section 110 and section 149 above.

Local election offence punishable summarily.

177. A prosecution for any offence punishable summarily committed in reference to an election under the local government Act—

(*a*) may be instituted before any magistrates' court in the county in which the local government area for which the election was held is situated or which it adjoins; and

(*b*) the offence shall be deemed for all purposes to have been committed within the jurisdiction of that court.

This section does not apply in Scotland.

Prosecution of offences committed outside United Kingdom.

178.—(1) Proceedings under this Act in respect of an offence alleged to have been committed outside the United Kingdom by a Commonwealth citizen or citizen of the Republic of Ireland may be taken before the appropriate court in the United Kingdom having jurisdiction in the place where the person charged is for the time being.

(2) Any period fixed by law as the period within which proceedings may be commenced shall, in the case of any such proceedings as are mentioned in subsection (1) above, be reckoned as from the date on which the person charged first landed in the United Kingdom next after the commission of the offence, and for the purposes of this provision a person entering Northern Ireland by land shall be deemed so to land in the United Kingdom.

PART III
Offences by associations.

179. Where—

(*a*) any corrupt or illegal practice or any illegal payment, employment or hiring, or

(*b*) any offence under section 110 above,

is committed by any association or body of persons, corporate or unincorporate, the members of the association or body who have taken part in the commission of the offence shall be liable to any fine or punishment imposed for that offence by this Act.

Evidence by certificate of holding of elections.

180. On—

(*a*) any prosecution for a corrupt or illegal practice or for any illegal payment, employment or hiring, and

(*b*) any proceedings for a penalty under section 85 above or paragraph 4 of Schedule 4 to this Act,

the certificate of the returning officer at an election—

(i) that the election mentioned in the certificate was duly held, and

(ii) that the person named in the certificate was a candidate at the election,

shall be sufficient evidence of the facts stated in it.

Director of Public Prosecutions.

181.—(1) Where information is given to the Director of Public Prosecutions that any corrupt or illegal practice has occurred in reference to any election, it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(2) The Director by himself or by his assistant or by his representative appointed under subsection (3) below shall attend the trial of every election petition.

(3) The Director may nominate, with the Attorney General's approval, a barrister or solicitor of not less than ten years standing to be his representative for the purposes of this Part of this Act and that representative shall receive such remuneration as the Treasury may approve.

1979 c. 31.

(4) The Director in performing any duty under this Act shall act in accordance with regulations under the Prosecution of Offences Act 1979, and subject to them in accordance with the directions (if any) given to him by the Attorney General; and any assistant or representative of the Director in performing any duty under this Part shall act in accordance with those regulations and directions (if any) and with the directions given to him by the Director.

(5) There shall be allowed to the Director and his assistant or representative for the purposes of this Part (other than his general duties under subsection (1) above) such allowances for expenses as the Treasury may approve.

(6) The costs incurred in defraying the expenses of the Director incurred for those purposes (including the remuneration of his representative) shall, in the first instance, be paid by the Treasury, and so far as they are not in the case of any prosecution paid by the defendant shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of those costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.

(7) In the application of this section to Scotland, subsections (2) to (6) shall be omitted.

(8) In the application of this section to Northern Ireland, the reference to the Prosecution of Offences Act 1979 does not apply. 1979 c. 31.

Supplemental

182.—(1) The authority having for the time being power to make rules of court for the Supreme Court may make rules for the purposes of Part II and this Part of this Act. Rules of procedure.

(2) In relation to the power conferred by subsection (1) above to make rules—

(*a*) that power shall be exercisable by statutory instrument, and be treated for the purposes of the Statutory Instruments Act 1946 as if conferred on a Minister of the Crown; and 1946 c. 36.

(*b*) a statutory instrument containing rules under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) This section does not apply to Scotland, but the Court of Session has power to make acts of sederunt for the purposes of Part II and this Part.

(4) This section does not apply to Northern Ireland.

183.—(1) The rules of the Supreme Court with respect to costs to be allowed in actions, causes and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part II or this Part of this Act, and the taxing officer shall not allow any costs higher than would be allowed in any action, cause or matter in the High Court on a common fund basis. Costs.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this Part, to be paid by any person, those costs or sums shall be due from that person to the person or persons to whom they are to be paid and, if payable to the Treasury, shall be a debt due to Her Majesty and in either case may be recovered accordingly.

PART III

(3) The above provisions of this section do not apply to Scotland, but those costs shall, subject to any regulations which the Court of Session may make by act of sederunt, be taxed as nearly as possible according to the same principles as expenses between solicitor and client are taxed in a cause in the Court of Session, or, when incurred in relation to an election of councillors, the sheriff court.

Service of notices.

184.—(1) Any summons, notice or document required to be served on any person with reference to any proceeding respecting an election for the purpose of causing him to appear before the High Court, the county court, or any election court, or otherwise or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any court for any purpose of this Part of this Act may be served—

(*a*) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or by the recorded delivery service, to his last known place of abode in the constituency or, as the case may be, the area of the authority for which the election was held; or

(*b*) if the proceeding is before any court in such other manner as the court may direct.

(2) In proving service by post under this section it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered or recorded with the Post Office.

Interpretation of Part III.

185. In this Part of this Act, unless the context otherwise requires—

"appropriate officer" has the same meaning as in section 67(7) above;

"candidate" has the same meaning as in Part II of this Act and the saving in section 117(1) above applies in relation to this Part as in relation to Part II;

"costs" includes charges and expenses;

"date of the allowance of an authorised excuse" has the meaning assigned to it by section 86(8) above or paragraph 7 of Schedule 4 to this Act, as the case may be;

"declaration as to election expenses" means a declaration made under section 82 above or, as the case may be, paragraph 3 of Schedule 4 to this Act;

"judicial office" includes the office of justice of the peace;

1964 c. 26.

"Licensing Acts" means the Licensing Act 1964 and the

Acts amending that Act, or the corresponding enactments forming part of the law of Scotland or Northern Ireland;

"money" and "pecuniary reward" shall be deemed to include—

(*a*) any office, place or employment, and

(*b*) any valuable security or other equivalent of money, and

(*c*) any valuable consideration,

and expressions referring to money shall be construed accordingly;

"payment" includes any pecuniary or other reward;

"prescribed" means prescribed by rules of court, or, in Northern Ireland, such rules under section 55 of the Judicature (Northern Ireland) Act 1978; 1978 c. 23.

"public office" means any office—

(*a*) under the Crown, or

(*b*) under the charter of a city or borough, or

(*c*) under the Acts relating to local government or public health or public education,

whether the office is that—

(i) of mayor, provost, chief magistrate, chairman, alderman, councillor, member of a board, commission or other local authority in any local government or other area; or

(ii) of proper officer or other officer under a council, board, commission or other authority; or

(iii) of any other office to which a person is elected or appointed under any such charter or enactment as is mentioned above, including any other municipal or parochial office;

"return as to election expenses" means a return made under section 81 above or, as the case may be, paragraph 3 of Schedule 4 to this Act;

"Speaker" includes Deputy Speaker and, where the office of Speaker is vacant, Clerk of the House of Commons, or any other officer for the time being performing the duties of Clerk of the House of Commons.

186. Section 119 above applies in computing any period of time for the purposes of this Part of this Act as for the purposes of Part II of this Act. Computation of time for purposes of Part III.

PART IV

SPECIAL PROVISIONS AS TO OTHER LOCAL ELECTIONS

England and Wales, and Scotland

Application of Act to certain local elections.

187.—(1) The following provisions of this Act—

(*a*) in Part I, sections 51(2), 60 and 66,

(*b*) Parts II and III,

(*c*) in this Part, section 189,

so far as they apply to an election in England and Wales of—

(i) district, parish or community councillors, or

(ii) the chairman of a district, parish or community council or a parish meeting,

have effect subject to such adaptations, modifications and exceptions as may be made by rules under section 36 above, but nothing in this subsection affects the operation of section 96 or section 100 above.

(2) Sections 48 (1) and (2) and 64 above have effect as if any reference in them to a local government election included a reference to any other election under the local government Act.

Parts II and III as to local elections in Scotland. 1973 c. 65.

188. Except in the phrase "election to any public office" wherever it is used, references in Parts II and III and section 189 of this Act to elections or to elections under the local government Act do not include references to elections under the Local Government (Scotland) Act 1973 other than elections of councillors.

Voting offences at certain local elections.

189.—(1) If a person—

(*a*) votes, or induces or procures any person to vote, at an election under the local govenrment Act which is not a local government election,

(*b*) knowing that he or that person is prohibited by any enactment from voting at that election,

he shall be guilty of an illegal practice.

(2) A candidate shall not be liable nor shall his election be avoided for any illegal practice under subsection (1) above committed without his knowledge or consent.

Voting offences at election of councillors in Scotland.

190. A person who at an election of councillors in Scotland—

(*a*) fabricates, in whole or in part, or alters, defaces, destroys, abstracts or purloins any ballot paper, or

(*b*) personates any person entitled to vote at the election, or

(*c*) falsely assumes to act in the name or on behalf of any person so entitled to vote, or

(*d*) interferes with the delivery or collection of any ballot papers, or

(*e*) delivers any ballot paper under a false pretence of being lawfully authorised to do so,

shall be liable on summary conviction to a penalty not exceeding level 2 on the standard scale, or to imprisonment for any period not exceeding three months and shall be deemed to have committed an illegal practice.

The City

Municipal elections in the City.

191.—(1) For the purposes of—

(*a*) sections 51(2), 60 and 61 in Part I of this Act,

(*b*) the whole of Part II of this Act except sections 96 and 99,

(*c*) the whole of Part III of this Act,

(*d*) section 189 above and sections 192 to 198 below, and

(*e*) the whole of Part V of this Act,

" local government election " and " election under the local government Act " include a municipal election in the City (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, aldermen and liverymen in common hall),

" corporate office " includes each of those offices,

" local government area " includes the City,

" clerk of the authority " means in relation to the City, the town clerk of the City,

" electoral area " means in relation to a ward election, the ward, and in relation to any other municipal election in the City, the City.

In relation to municipal elections in the City those enactments have effect subject to the modifications mentioned in sections 192 to 196 below.

(2) Schedule 6 to this Act has effect as regards the operation of Part II (ward elections) of the City of London (Various Powers) Act 1957. 1957 c. x.

Corrupt and illegal practices lists

192. In relation to municipal elections in the City—

(*a*) in section 51(2) above, for " qualified to be registered in the register of local government electors " substitute " qualified to vote at a municipal election in the City "; and

(*b*) the town clerk of the City shall omit from each ward list the names of all persons mentioned in the corrupt and illegal practices list, and that list shall be printed and appended to every copy of each ward list.

PART IV

Personation and other voting offences.

193. In relation to municipal elections in the City—

(*a*) in sections 60 and 61 above " vote " does not include voting otherwise than on a poll ; and

(*b*) in section 61(2), paragraph (*a*)(ii) does not apply.

Broadcasting.

194. In relation to municipal elections in the City—

(*a*) neither section 92 nor section 93 above apply by virtue of section 191 above to municipal elections in the City other than ward elections ; and

(*b*) for the purposes of section 93(1) a ward election shall be deemed to be pending during the period beginning—

(i) in the case of an annual election three weeks before the day fixed for the election, and

(ii) in other cases with the day on which the precept is issued,

and ending in all cases with the day of the poll (or, if no poll is taken, with the day fixed for the election).

Disturbances at meetings.

195. In relation to municipal elections in the City—

(*a*) in section 97 above the reference to the day of election shall be taken as a reference to the day fixed for the election and (where a poll is taken) any day after that up to and including the day of the poll ; but

(*b*) in relation to a meeting held with reference to an election other than an annual election that section does not apply to an offence committed on or before the day on which the precept is issued.

Costs or expenses.

196. In relation to municipal elections in the City, any costs or expenses directed to be paid under section 132 or under section 156(2) above by the authority for which the election was held shall—

(*a*) if incurred in respect of a ward election, be paid out of the general rate ; and

(*b*) in any other case, be paid by the chamberlain of the City out of the City's cash.

Candidate's expenses: ward, and liverymen in common hall, elections.

197.—(1) For a candidate at a ward election in the City the maximum amount of election expenses is £120 together with an additional 2·4p for every elector (taken according to the enumeration of the ward list to be used at the election) ; but the provision made by section 76(6) above for increasing the maximum amount of election expenses in the event of a candidate's death applies to the maximum amount under this subsection.

(2) A candidate at an election by liverymen in common hall need not have an election agent, his maximum amount of election expenses is £900, and section 90 above and Schedule 4 to this Act apply at such an election as they apply to an election of parish councillors, but the form of declaration as to election expenses shall be such as may be prescribed by Act of Common Council.

(3) The Secretary of State may by order vary a maximum amount of the candidate's election expenses specified in subsection (1) or subsection (2) above where in his opinion there has been a change in the value of money since the last occasion on which that amount was varied by such an order, and the variation shall be such as in his opinion is justified by that change.

An order under this subsection shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament; and the power to make the order is exercisable by statutory instrument.

Effect of avoidance of election to corporate office.

198. In relation to the City, where a candidate who has been elected to a corporate office is—

(*a*) by a certificate of an election court, or

(*b*) by a decision of the High Court,

declared not to have been duly elected, acts done by him in execution of the office before the time when the certificate or decision is certified to the clerk of the authority for which the election was held shall not be invalidated by reason of that declaration.

PART V

GENERAL AND SUPPLEMENTAL

Supplemental

Translations of statutory forms into Welsh language.

199.—(1) The Secretary of State may by regulations prescribe a translation into the Welsh language of any form required to be used by this Act (whether it is a form set out in a Schedule to this Act or one prescribed by rules or regulations made under this Act); and where such a translation has been so prescribed it may be used, in place of the form, in connection with elections in Wales.

(2) Where in the case of a form so set out or prescribed the requirement as to its use may be satisfied by the use of a form to the like effect or of that form with adaptations, it may be so

PART V

satisfied also in the case of a translation prescribed under this section.

(3) Nothing in this section shall be taken to prejudice the use of any translation in a case where its use is lawful apart from this section.

Public notices, and declarations.

200.—(1) Where the returning officer for a parliamentary election is required or authorised by this Act to give any public notice, he shall do so by advertisements, placards, handbills or such other means as he thinks best calculated to afford information to the voters.

(2) Any person before whom a declaration is authorised to be made under this Act may take the declaration.

Regulations.

201.—(1) Any power conferred by this Act to make regulations shall, except where this Act otherwise provides, be a power exercisable by the Secretary of State by statutory instrument.

(2) A statutory instrument containing regulations so made shall not come into force unless or until it is approved by resolution of each House of Parliament; but this subsection does not apply to—

(*a*) rules made under sections 36 and 42 above;

(*b*) regulations made under section 199 above and section 203(4) below.

Interpretation

General provisions as to interpretation.

202.—(1) In this Act, unless the context otherwise requires—

"Attorney General" includes the Solicitor General in cases where the Attorney General is interested or otherwise unable to act;

"the City" means the City of London;

"Clerk of the Crown" means Clerk of the Crown in Chancery;

"Common Council" means the Common Council of the City;

"dwelling house" includes any part of a house where that part is occupied separately as a dwelling house;

"election" means a parliamentary election or an election under the local government Act.

"election court" means—

(*a*) in relation to a parliamentary election petition, the judges presiding at the trial;

(*b*) in relation to a petition questioning an election

under the local government Act, the court constituted under this Act for the trial of that petition;

"election petition" means a petition presented in pursuance of Part III of this Act;

"elector" in relation to an election, means any person whose name is for the time being on the register to be used at that election, but does not include those shown in the register as below voting age on the day fixed for the poll;

"legal incapacity" includes (in addition to any incapacity by virtue of any subsisting provision of the common law) any disqualification imposed by this Act or any other Act;

"parliamentary election petition" means an election petition questioning a parliamentary election or return;

"parliamentary elections rules" means the parliamentary elections rules in Schedule 1 to this Act;

"person" includes (without prejudice to the provisions of the Interpretation Act 1978) an association corporate or unincorporate; 1978 c. 30.

"prescribed" except in Part III of this Act means prescribed by regulations;

"proper officer" means in England and Wales one within the meaning of section 270(3) and (4) of the Local Government Act 1972, and in Scotland one within the meaning of section 214 and paragraph 2(1) of Part I of Schedule 27 to the Local Government (Scotland) Act 1973; 1972 c. 70. 1973 c. 65.

"registration duties" includes the duties of a registration officer as such with respect to voting by post or by proxy, with respect to any corrupt and illegal practices list and with respect to the lists of rooms to the use of which candidates are entitled under this Act;

"service voter" means a person who has made a service declaration and is registered or entitled to be registered in pursuance of it;

"standard scale" has the meaning given by section 75 of the Criminal Justice Act 1982; 1982 c. 48.

"statutory maximum" has the meaning given by section 74 of the Criminal Justice Act 1982;

"sub-agent" has the meaning given by section 68(1) above;

"voter" means a person voting at an election and includes a person voting as proxy and, except in the parliamentary elections rules, and the rules under section 36 and 42 above, a person voting by proxy, and "vote" (whether noun or verb) shall be construed accordingly,

PART V

except that in those rules any reference to an elector voting or an elector's vote shall include a reference to an elector voting by proxy or an elector's vote given by proxy.

(2) For the purposes of the Representation of the People Acts a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

Local government provisions as to England and Wales.

203.—(1) In this Act, unless the context otherwise requires, in relation to England and Wales—

"electoral area" means any electoral division, London borough, ward, district, parish, community or other area for which the election of councillors is held under the local government Act;

"local authority" means a county council, the Greater London Council, a district council, a London borough council or a parish or community council;

1972 c. 70.

"local government Act" means the Local Government Act 1972;

"local government area" means a county, London borough, district, parish or community;

"local government election" means the election of councillors for any electoral area.

(2) Subject to any express provision contained in Part I of this Act, that Part, so far as it has effect for the purpose of parliamentary elections or of elections of councillors of the Greater London Council, applies in relation to the City as if it were a London borough, and as if the Common Council were a London borough council.

For the purposes of this subsection the Inner Temple and the Middle Temple shall be treated as forming part of the City.

(3) The modifications made by subsection (2) above do not affect section 52(4) above.

(4) This Act applies in relation to the Isles of Scilly as if those isles were a county and as if the council of those isles were a county council, except that—

(*a*) paragraph 1(1) of Schedule 2 and any reference to a person acting in pursuance of the requisition of the registration officer shall apply as if the isles were a district and the council were a district council;

(*b*) the provisions of Part I relating to the conduct of local government elections shall have effect in relation to those isles subject to such adaptations as the Secretary of State may by regulations prescribe.

(5) For the purposes of section 265 of the Local Government Act 1972 (application to Isles of Scilly) the provisions of this Act as to rules made by the Secretary of State under section 36 above shall be deemed to be contained in a public general Act relating to local government. PART V 1972 c. 70.

Scotland and Northern Ireland

204.—(1) This section has (in addition to any express application elsewhere in this Act) effect for the general application of this Act to Scotland, and accordingly— General application to Scotland.

" electoral area ", in relation to a local government election, means the electoral division or ward for which the election is held ;

" local authority " means a regional, islands or district council ;

" local government Act " means the Local Government (Scotland) Act 1973 ; 1973 c. 65.

" local government area " means a region, islands area or district ; and

" local government election " means an election of councillors by local government electors for an electoral area.

(2) For a reference to a borough constituency substitute a reference to a burgh constituency.

(3) For a reference to the High Court substitute a reference to the Court of Session and for a reference to the county court or a judge of that court substitute a reference to the sheriff.

(4) The power conferred by section 57 above on the Court of Session to make acts of sederunt for the appointment of judges to hear appeals under that section or to fill any vacancy among the judges so appointed is not required to be exercisable by statutory instrument.

(5) A reference to the Director of Public Prosecutions or the Attorney General refers to the Lord Advocate.

(6) For a reference to a plaintiff or defendant substitute respectively a reference to a pursuer or defender, for a reference to a recognisance substitute a reference to a bond of caution and for a reference to an injunction substitute a reference to an interdict.

(7) Any reference to the report of an election court shall, in relation to an election court trying a petition questioning an election of councillors in Scotland, be construed as a reference to a finding of the court, and the expression " reported of a corrupt or illegal practice " shall be construed accordingly.

PART V

(8) For a reference to the register of licences substitute a reference to the register kept in pursuance of section 20 of the Licensing (Scotland) Act 1976.

1976 c. 66.

1973 c. 65.

(9) Section 231 of the Local Government (Scotland) Act 1973 (application to sheriff in cases of difficulty) applies to the provisions of sections 41 to 45 above as that section applied to those provisions immediately before their repeal and re-enactment by this Act.

(10) Notwithstanding the repeal by this Act of sections 19 and 43 of the Representation of the People Act 1918, those sections shall continue to have such effect as they had immediately before that repeal in relation to regulation 16 of section 2 of the Universities Elections Amendment (Scotland) Act 1881.

1918, (7 & 8 Geo. 5.) c. 64.

1881, (44 & 45 Vict.) c. 40.

General application to Northern Ireland.

205.—(1) This section has (in addition to any express application elsewhere in the Act) effect for the general application of this Act to Northern Ireland, and accordingly—

(*a*) a reference either to the Attorney General or the Director of Public Prosecutions refers to the Attorney General for Northern Ireland;

(*b*) subject to subsection (2) below, a reference to any enactment shall be construed as a reference to that enactment as it applies in Northern Ireland.

(2) Nothing in this Act affects the law relating to local government in Northern Ireland.

Operation

Transitional and saving provisions, amendments and repeals.

206. In Schedule 7 to this Act—

(*a*) Part I has effect as to its transitional and saving provisions, and

(*b*) Part II has effect as to its provisions relating to the interpretation of other Acts,

and subject to that Schedule—

(i) the enactments and order specified in Schedule 8 to this Act have effect subject to the amendments consequent on this Act specified in that Schedule; and

(ii) the enactments and orders specified in Schedule 9 to this Act (of which those in Part I are obsolete) are repealed or revoked to the extent specified in the third column of that Schedule.

Citation and commencement.

207.—(1) This Act may be cited as the Representation of the People Act 1983, and is included among the Acts which may be cited as the Representation of the People Acts.

(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint

SCHEDULES

Section 23.

SCHEDULE 1

PARLIAMENTARY ELECTIONS RULES

Arrangement of rules

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2. Computation of time.

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STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Issue of writ and notice of election

3. Issue of writ.
4. Conveyance of writ to acting returning officer.
5. Notice of election.

Nomination

6. Nomination of candidates.
7. Subscription of nomination paper.
8. Consent to nomination.
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10. Place for delivery of nomination papers.
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PART I

PROVISIONS AS TO TIME

Timetable

1. The proceedings at the election shall be conducted in accordance with the following Table.

TIMETABLE

Proceeding	*Time*	
Issue of writ	In the case of a general election, as soon as practicable after the issue of the proclamation summoning the new Parliament.	In the case of a by-election, as soon as practicable after the issue of the warrant for the writ.
Publication of notice of election.	In the case of a general election or by-election, not later than 4 in the afternoon on the second day after that on which the writ is received.	
Delivery of nomination papers.	In the case of a general election, between the hours of 10 in the morning and 4 in the afternoon on any day after the date of publication of the notice of election, but not later than the sixth day after the date of the proclamation summoning the new Parliament.	In the case of a by-election, the same as in the case of a general election, except that the last day shall be a day fixed by the returning officer and shall be not earlier than the third day after the date of publication of the notice of election nor later than the seventh day after that on which the writ is received.
Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.	

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Proceeding	*Time*	
The making of objections to nomination papers.	In the case of a general election or a by-election, during the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following; but— (*a*) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery, and in the case of a nomination paper so delivered no objection may be so made to the sufficiency or nature of the particulars of the candidate unless made at or immediately after the time of the delivery of the nomination paper; and (*b*) the foregoing provisions do not apply to objections made in pursuance of rule 15(2).	
Publication of statement of persons nominated.	In the case of a general election or a by-election, at the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.	
Polling	In the case of a general election, between the hours of 7 in the morning and 10 at night on the tenth day after the last day for delivery of nomination papers.	In the case of a by-election, between the hours of 7 in the morning and 10 at night on the day fixed by the returning officer, which shall not be earlier than the eighth nor later than the tenth day after the last day for delivery of nomination papers.

Computation of time

2.—(1) In computing any period of time for the purposes of the Timetable—

(*a*) a Saturday or Sunday,

(*b*) a day of the Christmas break, of the Easter break or of a bank holiday break, or

(*c*) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

(2) In this rule " bank holiday " means—

(*a*) in relation to a general election, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom,

1971 c. 80.

(*b*) in relation to a by-election, a day which is a bank holiday under that Act in that part of the United Kingdom in which the constituency is situated,

but at a general election sub-paragraph (*b*) and not sub-paragraph (*a*) of this paragraph applies in relation to any proceedings—

(i) commenced afresh by reason of a candidate's death ; and

(ii) extending, by reason of riot or open violence, beyond the time laid down by the Timetable.

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(3) In this rule—

"bank holiday break" means any bank holiday not included in the Christmas break or the Easter break and the period beginning with the last weekday before that bank holiday and ending with the next weekday which is not a bank holiday,

"Christmas break" means the period beginning with the last weekday before Christmas Day and ending with the first weekday after Christmas Day which is not a bank holiday,

"Easter break" means the period beginning with the Thursday before and ending with the Tuesday after Easter Day,

"weekday" does not include a Saturday,

but so much of this paragraph as includes in a bank holiday break a period before and after a bank holiday does not apply to bank holidays other than New Year's Day which are not bank holidays in England and Wales.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

ISSUE OF WRIT AND NOTICE OF ELECTION

Issue of writ

3.—(1) Writs for parliamentary elections shall continue to be sealed and issued in accordance with the existing practice of the office of the Clerk of the Crown.

(2) Each writ shall be in the form in the Appendix and shall be directed to the returning officer by the title of his office as returning officer (and not by his name) and conveyed to him.

(3) Her Majesty may by Order in Council—

(*a*) specify the manner in which writs are to be conveyed, whether by post, by an officer appointed by the Lord Chancellor or, as regards Northern Ireland, the Secretary of State, or otherwise, and make different provision for different classes of writs; and

(*b*) provide for the giving of receipts for writs by persons to whom they are delivered or who may receive them in the course of their conveyance.

(4) Delivery of the writ to a person for the time being authorised by law to act as deputy for the officer who by virtue of his office is returning officer shall be as good as delivery to the returning officer.

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(5) An Order in Council under this rule—

(*a*) may require a returning officer to provide an address to which writs are to be conveyed and any change of that address ; and

(*b*) may provide for recording those addresses ; and

(*c*) may provide that the delivery of a writ to a person found in and for the time being in charge of a place so recorded as the office of a returning officer shall be as good as delivery to that returning officer.

(6) The person to whom the writ is delivered shall endorse the date of receipt on the writ in the form shown in the Appendix.

(7) A draft of an Order in Council under this rule shall be laid before Parliament, and any such Order may provide for any incidental or supplemental matter.

Conveyance of writ to acting returning officer

4.—(1) For an election in a constituency in England and Wales the writ shall (notwithstanding anything in rule 3 above) be conveyed to the acting returning officer if the returning officer—

(*a*) has so requested by notice in the form prescribed by an Order in Council under rule 3 and received by the Clerk of the Crown one month or more before the issue of the writ ; and

(*b*) has not revoked it by a further notice in the form so prescribed and received within such time as is mentioned above.

(2) A notice under this rule has effect in relation to all constituencies—

(*a*) of which the person giving it is returning officer at the time of giving it ; or

(*b*) of which he or a successor in office becomes returning officer by virtue of that office.

(3) Where by virtue of this rule writs are conveyed to the acting returning officer paragraph (5) of rule 3 applies in relation to him as it applies in relation to a returning officer.

Notice of election

5.—(1) The returning officer shall publish notice of the election in the form in the Appendix, 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 paper may be obtained at that place and those times.

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

(*a*) applications to be treated as an absent voter, and

(*b*) other applications and notices about postal or proxy voting,

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

(3) In addition the registration officer shall give notice of the date mentioned in paragraph (2) above in the constituency by such means as he thinks best calculated to bring the information to the notice of those concerned.

NOMINATION

Nomination of candidates

6.—(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix delivered—

(*a*) by the candidate himself, or

(*b*) by his proposer or seconder,

to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 67 of this Act or are so given at the time the paper is delivered.

(2) The nomination paper 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 his names.

(3) The description, if any, shall not exceed 6 words in length, and need not refer to his rank, profession or calling so long as, with the candidate's other particulars, it is sufficient to identify him.

Subscription of nomination paper

7.—(1) The nomination paper shall be subscribed by two electors as proposer and seconder, and by eight other electors as assenting to the nomination.

(2) Where a nomination paper bears 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) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

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

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(4) The returning officer—

(*a*) shall supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers, and

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

but it is not necessary for a nomination to be on a form supplied by the returning officer.

(5) A person shall not subscribe more than one nomination paper at the same election and, if he does, his signature shall be inoperative on any paper other than the one first delivered, but he shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first mentioned paper.

(6) In this rule—

"elector" means a person—

(*a*) who is registered as a parliamentary elector in the constituency in the register to be used at the election, or

(*b*) who, pending the publication of that register, appears from the electors lists for that register as corrected by the registration officer to be entitled to be so registered,

and accordingly includes a person shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise ; and

"electoral number" means—

(i) a person's number in that register, or

(ii) pending the publication of the register, his number (if any) in the electors lists for that register.

Consent to nomination

8.—(1) A person shall not be validly nominated unless his consent to nomination—

(*a*) is given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers,

(*b*) is attested by one witness, and

(*c*) is delivered at the place and within the time for the delivery of nomination papers,

subject to paragraph (2) below.

(2) If the returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as mentioned above, a telegram (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing given

by him on the day on which it purports to have been sent, and attestation of his consent shall not be required. SCH. 1

(3) A candidate's consent given under this rule—

(*a*) shall state the day, month and year of his birth ; and

(*b*) shall state—

(i) that he is aware of the provisions of the House of Commons Disqualification Act 1975 ; and 1975 c. 24.

(ii) that to the best of his knowledge and belief he is not disqualified for membership of the House of Commons.

Deposit

9.—(1) A person shall not be validly nominated unless the sum of £150 is deposited by him or on his behalf with the 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 returning officer's consent, in any other manner,

but the returning officer 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.

Place for delivery of nomination papers

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

(2) Except in Scotland, the place shall be in—

(*a*) the constituency ; or

(*b*) the registration area which includes the constituency ; or

(*c*) unless the constituency is a borough constituency, in a district adjoining the constituency or registration area.

For the purposes of paragraph (*b*) above "registration area" means—

(i) in England and Wales, the area of two or more constituencies which have the same registration officer ;

(ii) in Northern Ireland, the county borough of Belfast and each county.

(3) In Scotland the place shall be in—

(*a*) the constituency ; or

(*b*) the district or (if more than one) any of the districts in which the constituency is situated ; or

(*c*) any district adjoining the district or districts (as the case may be) in which the constituency is situated.

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Right to attend nomination

11.—(1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, and subject to paragraph (4) below, no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

(*a*) a person standing nominated as a candidate, or

(*b*) the election agent, proposer or seconder of such a person,

but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent.

(2) 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 he may select, or

(*b*) in default of such a selection, to that one of those papers which is first delivered,

shall be entitled to attend as his proposer and seconder.

(3) 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.

(4) A candidate's wife or husband 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 (1) above, but without any such right as is conferred by paragraph (3) above.

Decisions as to validity of nomination papers

12.—(1) Where a nomination paper and the candidate's 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 returning officer decides that the nomination paper is invalid ; or

(*b*) proof is given to the returning officer's satisfaction of the candidate's death ; or

(*c*) the candidate withdraws.

(2) The 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 ; and

(*c*) that the candidate is disqualified by the Representation of the People Act 1981.

1981 c. 34.

(3) The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.

(4) Where he decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

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

(6) Subject to paragraph (5) above nothing in this rule prevents the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

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

(*a*) signed by him and attested by one witness, and

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

(2) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by his proposer 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—

(*a*) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in that declaration to be, outside the United Kingdom; or

(*b*) it is accompanied, in addition to that declaration, by a written statement signed by the candidate that the proposer giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom.

Publication of statement of persons nominated

14.—(1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.

(3) The statement shall 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.

(4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select, but if the election is contested a candidate standing

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nominated may require the returning officer to include in the statement the names of the persons subscribing a second and third nomination.

Disqualification by Representation of the People Act 1981

1981 c. 34.

15.—(1) If it appears to the returning officer that any of the persons nominated might be disqualified by the Representation of the People Act 1981 he shall, as soon as practicable after the expiry of the time allowed for the delivery of nomination papers, prepare and publish a draft of the statement required under rule 14 above.

(2) The draft shall be headed "Draft statement of persons nominated" and shall omit the names of the persons subscribing the papers but shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 in the morning and 4 in the afternoon on the day and at the place specified in the notice; and the day so specified shall be the day next after the last day for the delivery of nomination papers.

Adjournment of nomination proceedings in case of riot

16.—(1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—

(*a*) the proceedings shall be abandoned for that day, and

(*b*) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery,

and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

(2) Where proceedings are abandoned by virtue of this rule nothing—

(*a*) may be done after they are continued if the time for doing it had passed at the time of the abandonment;

(*b*) done before the abandonment shall be invalidated by reason of the abandonment.

Method of election

17.—(1) If the statement of persons nominated shows more than one person standing nominated, a poll shall be taken in accordance with Part III of these rules.

(2) If the statement of persons nominated shows only one person standing nominated, that person shall be declared to be elected in accordance with Part IV of these rules.

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by ballot

18. The votes at the poll shall be given by ballot, the result shall be ascertained by counting the votes given to each candidate and the candidate to whom the majority of votes have been given shall be declared to have been elected.

The ballot papers

19.—(1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—

(*a*) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;

(*b*) shall be capable of being folded up;

(*c*) shall have a number printed on the back;

(*d*) shall have attached a counterfoil with the same number printed on the face.

(3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

The official mark

20.—(1) Every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same constituency.

(3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

21. No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state for whom he voted.

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Use of schools and public rooms

22.—(1) The returning officer may use, free of charge, for the purpose of taking the poll—

(*a*) a room in a school to which this rule applies ;

(*b*) a room the expense of maintaining which is payable out of any rate.

This rule applies—

(i) in England and Wales, to a school maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school ;

(ii) in Scotland, to a school other than an independent school within the meaning of the Education (Scotland) Act 1980 ; 1980 c. 44.

(iii) in Northern Ireland, to a school in receipt of a grant out of moneys appropriated by Measure of the Northern Ireland Assembly.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll.

(3) The use of a room in an unoccupied house for that purpose does not render a person liable to be rated or to pay any rate for the house.

(4) In Northern Ireland this rule does not apply to any school adjoining or adjacent to any church or other place of worship nor to any school connected with a nunnery or other religious establishment.

ACTION TO BE TAKEN BEFORE THE POLL

Notice of poll

23.—(1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and hours during which the poll will be taken.

(2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of—

(*a*) the situation of each polling station ;

(*b*) the description of voters entitled to vote there ; and

(*c*) the mode in which voters are to vote.

(3) The returning officer shall as soon as practicable after publication of a notice of poll give to each of the election agents a description in writing of the polling districts.

Postal ballot papers

24. The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses provided by them for the purpose, a ballot paper and a declaration of identity in the prescribed form, together with an envelope for their return.

Provision of polling stations

25.—(1) The returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any polling district shall be in the polling place for that district.

(4) In a constituency in Scotland comprising the whole or any part of more districts than one, there shall be at least one polling station in each of those districts.

(5) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and clerks

26.—(1) The returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.

(2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.

(3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Special lists

27. The registration officer shall as soon as practicable prepare the following special lists—

(*a*) a list (in these rules referred to as "the absent voters list") giving the name and number on the register of every person entitled to vote at the election as an absent voter;

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(*b*) a list (in these rules referred to as "the list of proxies") giving—

(i) the names and numbers on the register of the electors for whom proxies have been appointed (omitting any of those electors who are registered as service voters and entitled to vote by post); and

(ii) the names and addresses of the persons appointed;

(*c*) a list of any persons entitled to vote by post as proxy at the election.

Issue of official poll cards

28.—(1) The returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

(*a*) as an elector if he is placed on the absent voters list for the election; or

(*b*) as a proxy if his application to vote as such by post is allowed for the election.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card shall be in the prescribed form and shall set out—

(*a*) the name of the constituency;

(*b*) the elector's name, qualifying address and number on the register;

(*c*) the date and hours of the poll and the situation of the elector's polling station.

(4) Paragraph (6) of rule 7 above applies for the interpretation of this rule.

Equipment of polling stations

29.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.

(3) The returning officer shall provide each polling station with—

(*a*) materials to enable voters to mark the ballot papers;

(*b*) instruments for stamping on them the official mark;

(*c*) copies of the register of electors or such part of it as contains the names of the electors allotted to the station;

(*d*) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (*c*) above.

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(4) A notice in the form in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(5) In every compartment of every polling station there shall be exhibited a notice as follows—

(*a*) " The voter may vote for only one candidate " ; or

(*b*) " The voter may vote for not more than one candidate ".

Appointment of polling and counting agents

30.—(1) Each candidate may, before the commencement of the poll, appoint—

(*a*) polling agents to attend at polling stations for the purpose of detecting personation ; and

(*b*) counting agents to attend at the counting of the votes.

(2) The returning officer may limit the number of counting agents, so however that—

(*a*) the number shall be the same in the case of each candidate ; and

(*b*) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(3) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than the second day (computed like any period of time in the Timetable) before the day of the poll.

(4) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(5) The foregoing provisions of this rule shall be without prejudice to the requirements of section 72(1) of this Act as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

(6) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents —

(*a*) whose appointments have been duly made and notified ; and

(*b*) where the number of agents is restricted, who are within the permitted number.

(7) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

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(8) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(9) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agent or counting agents.

(10) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Declaration of secrecy

31.—(1) Before the opening of the poll a declaration of secrecy in the form in paragraph (4) of this rule, or in a form as near to it as circumstances admit, shall be made by—

(*a*) the returning officer and the presiding officers;

(*b*) every clerk authorised to attend at a polling station or the counting of the votes;

(*c*) every candidate attending at a polling station or at the counting of the votes and every election agent so attending;

(*d*) every candidate's wife or husband attending at the counting of the votes;

(*e*) every polling agent and counting agent;

(*f*) every person permitted by the returning officer to attend at the counting of the votes, though not entitled to do so,

but the constables on duty at polling stations or at the counting of the votes shall not be required to make the declaration of secrecy.

(2) Notwithstanding anything in paragraph (1) above, the following persons attending at the counting of the votes—

(*a*) any candidate,

(*b*) any election agent, or any candidate's wife or husband attending by virtue of the rule authorising election agents and candidates' wives or husbands to attend as such,

(*c*) any person permitted by the returning officer to attend, though not entitled to do so,

(*d*) any clerk making the declaration in order to attend at the counting of the votes,

need not make the declaration before the opening of the poll but shall make it before he or she is permitted to attend the counting, and a polling or counting agent appointed after the opening of the poll shall make the declaration before acting as such an agent.

(3) The returning officer shall make the declaration in the presence of a justice of the peace, and any other person shall make the declaration in the presence either of a justice of the peace or of

the returning officer, and subsections (1), (2), (3) and (6) of section 66 of this Act shall be read to the declarant by the person taking the declaration or shall be read by the declarant in the presence of that person; but—

(*a*) in England and Wales the declaration may be made by the returning officer or any other person before a person who is chairman of the Greater London Council, a county council or a district council or mayor of a London borough, and may be made by a person other than the returning officer before a person who is the proper officer of any such council; and

(*b*) in Scotland the declaration may be made by a person other than the returning officer before the proper officer of an islands or regional council; and

(*c*) in Northern Ireland the declaration may be made by a person other than the returning officer before the clerk of a district council.

(4) The declaration shall be as follows—

"I solemnly promise and declare that I will not do anything forbidden by subsections (1), (2), (3) and (6) of section 66 of the Representation of the People Act 1983, which have been read to [*by*] me."

THE POLL

Admission to polling station

32.—(1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—

(*a*) the candidates and their election agents;

(*b*) the polling agents appointed to attend at the polling station;

(*c*) the clerks appointed to attend at the polling station;

(*d*) the constables on duty; and

(*e*) the companions of blind voters.

(2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.

(3) A constable or person employed by a returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Act, except on production and surrender of a certificate as to his employment, which shall be in the prescribed form and signed by the prescribed officer of police or by the returning officer, as the case may be.

(4) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

33.—(1) It is the presiding officer's duty to keep order at his polling station.

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(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

(*a*) by a constable in or near that station, or

(*b*) by any other person authorised in writing by the returning officer to remove him,

and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

34. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to voters

35.—(1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—

(*a*) in the case of a person applying as an elector—

(i) "Are you the person registered in the register of parliamentary electors for this election as follows?" (*read the whole entry from the register.*)

(ii) "Have you already voted, here or elsewhere, at this by-election [general election], otherwise than as proxy for some other person?"

(*b*) in the case of a person applying as proxy—

(i) "Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?"

(ii) "Have you already voted here or elsewhere at this by-election [general election] as proxy on behalf of C.D.?"

(2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned above shall, put the following additional question—

"Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?"

and if that question is not answered in the affirmative the following question—

"Have you at this election already voted in this constituency on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?"

(3) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.

(4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of voter

36.—(1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

(*a*) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and

(*b*) undertakes to substantiate the charge in a court of law,

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

Voting procedure

37.—(1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—

(*a*) the ballot paper shall be stamped with the official mark;

(*b*) the number, name and description of the elector as stated in the copy of the register of electors shall be called out;

(*c*) the number of the elector shall be marked on the counterfoil;

(*d*) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and

(*e*) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and

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there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

Votes marked by presiding officer

38.—(1) The presiding officer, on the application of a voter—

(*a*) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or

(*b*) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called " the list of votes marked by the presiding officer ").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

Voting by blind persons

39.—(1) If a voter makes an application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of another person by whom he is accompanied (in these rules referred to as " the companion "), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer—

(*a*) is satisfied that the voter is so incapacitated, and

(*b*) is also satisfied by a written declaration made by the companion (in these rules referred to as " the declaration made by the companion of a blind voter ") that the companion—

(i) is a qualified person within the meaning of this rule, and

(ii) has not previously assisted more than one blind person to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of this rule, a person shall be qualified to assist a blind voter to vote, if that person is either—

(*a*) a person who is entitled to vote as an elector at the election; or

(*b*) the father, mother, brother, sister, husband, wife, son or daughter of the blind voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as " the list of blind voters assisted by companions ").

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(5) The declaration made by the companion—

(*a*) shall be in the form in the Appendix ;

(*b*) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration

Tendered ballot papers

40.—(1) If a person, representing himself to be—

(*a*) a particular elector named on the register and not named in the absent voters list, or

(*b*) a particular person named in the list of proxies as proxy for an elector and not named in the list of persons entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as " a tendered ballot paper ") in the same manner as any other voter.

(2) A tendered ballot paper shall—

(*a*) be of a colour differing from the other ballot papers ;

(*b*) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the " tendered votes list ").

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter's name shall be the number of that elector.

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Spoilt ballot papers

41. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Adjournment of poll in case of riot

42.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.

(2) Where the poll is adjourned at any polling station—

(*a*) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and

(*b*) references in this Act to the close of the poll shall be construed accordingly.

Procedure on close of poll

43.—(1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

(*a*) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,

(*b*) the unused and spoilt ballot papers placed together,

(*c*) the tendered ballot papers,

(*d*) the marked copies of the register of electors and of the list of proxies,

(*e*) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,

(*f*) the tendered votes list, the list of blind voters assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads "physical incapacity" and "unable to read", and the declarations made by the companions of blind voters,

and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

(2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet

as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll. SCH. 1

(3) The packets shall be accompanied by a statement (in these rules referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

COUNTING OF VOTES

Attendance at counting of votes

44.—(1) The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

(2) No person other than—

(*a*) the returning officer and his clerks,

(*b*) the candidates and their wives or husbands,

(*c*) the election agents,

(*d*) the counting agents,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

(3) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he—

(*a*) is satisfied that the efficient counting of the votes will not be impeded ; and

(*b*) has either consulted the election agents or thought it impracticable to do so.

(4) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(5) In particular, where the votes are counted by sorting the ballot papers according to the candidate for whom the vote is given and then counting the number of ballot papers for each candidate, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

45.—(1) Before the returning officer proceeds to count the votes, he shall—

(*a*) in the presence of the counting agents open each ballot box and, taking out the ballot papers in it, count and record the number of them and in the presence of the election agents verify each ballot paper account ;

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(*b*) count such of the postal ballot papers as have been duly returned and record the number counted ; and

(*c*) then mix together the whole of the ballot papers mentioned in the foregoing sub-paragraphs.

(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.

(3) The returning officer shall not count any tendered ballot paper.

(4) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(5) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(7) During the time so excluded the returning officer shall—

(*a*) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals ; and

(*b*) otherwise take proper precautions for the security of the papers and documents.

Re-count

46.—(1) A candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the returning officer to have the votes re-counted or again re-counted but the returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

47.—(1) Any ballot paper—

(*a*) which does not bear the official mark, or

(*b*) on which votes are given for more than one candidate, or

(*c*) on which anything is written or marked by which the voter can be identified except the printed number on the back, or

(*d*) which is unmarked or void for uncertainty,

shall, subject to the provisions of the next following paragraph, be void and not counted.

(2) A ballot paper on which the vote is marked—

(*a*) elsewhere than in the proper place, or

(*b*) otherwise than by means of a cross, or

(*c*) by more than one mark,

shall not for such reason be deemed to be void if an intention that the vote shall be for one or other of the candidates clearly appears, and the way the paper is marked does not itself identify the voter and it is not shown that he can be identified by it.

(3) The returning officer shall endorse the word " rejected " on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words " rejection objected to " if an objection is made by a counting agent to his decision .

(4) The returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—

(*a*) want of official mark ;

(*b*) voting for more than one candidate ;

(*c*) writing or mark by which voter could be identified ;

(*d*) unmarked or void for uncertainty.

Decisions on ballot papers

48. The decision of the returning officer on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

Equality of votes

49. Where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

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PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

50.—(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—

(*a*) declare to be elected the candidate to whom the majority of votes has been given ;

(*b*) return his name to the Clerk of the Crown ; and

(*c*) give public notice of his name and of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) In an uncontested election, the statement of persons nominated, in addition to showing the person standing nominated, shall also declare that person elected, and the returning officer shall forthwith return his name to the Clerk of the Crown.

Return to the writ

51.—(1) The returning officer shall return the name of the member elected by endorsing on the writ a certificate in the form in the Appendix.

(2) Any rule of law or enactment as to the effect of, or manner of dealing with, the return of a member to serve in Parliament applies to the certificate.

(3) The returning officer may, on receiving a receipt, deliver the writ with the certificate endorsed on it to the postmaster of the principal post office of the place of election or the postmaster's deputy.

(4) The postmaster or his deputy shall send the writ so endorsed by the first post, free of charge, under cover to the Clerk of the Crown with the words " Election Writ and Return " endorsed on it.

(5) Any reference in the foregoing provisions of this Part of these rules to the Clerk of the Crown shall be taken, in relation to an election for a constituency in Northern Ireland, as a reference to the Clerk of the Crown for Northern Ireland, but any writ returned to the Clerk of the Crown for Northern Ireland shall be transmitted by him to the Clerk of the Crown in England and the return shall be certified to the House of Commons in the same manner as returns for elections for constituencies in Great Britain.

(6) A copy of each writ returned to the Clerk of the Crown for Northern Ireland and of the certificate endorsed on it shall be attested by the Secretary of State, shall be kept in the office of the Clerk of the Crown for Northern Ireland and may be given in evidence if the originals are lost.

Record of returns at Crown Office

52.—(1) The Clerk of the Crown shall from the certificate on each writ returned to him enter the name of the member returned in a book to be kept by him at the Crown Office.

(2) The Clerk of the Crown shall also enter in the book any alteration or amendment made by him in the certificate endorsed on any writ.

(3) The book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, take copies from the book.

Return or forfeiture of candidate's deposit

53.—(1) The deposit made under rule 9 of these rules shall either be returned to the person making it or his personal representatives or be forfeited to Her Majesty.

(2) Except in the cases mentioned below in this rule, the deposit shall be returned as soon as practicable after the result of the election is declared.

(3) If the candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death, as the case may be.

(4) Subject to paragraph (3) above the deposit shall be forfeited if a poll is taken and, after the counting of the votes by the returning officer (including any re-count) is completed, the candidate is found not to have polled more than one-eighth of the total number of votes polled by all the candidates.

(5) Notwithstanding anything in paragraphs (2) to (4) above, if at a general election a candidate is shown as standing nominated in more than one constituency in the statements of persons nominated, not more than one of the deposits shall be returned and, if necessary, the Treasury shall direct which it is to be.

PART V

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

54.—(1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

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Delivery of documents to Clerk of the Crown

55.—(1) The returning officer shall then forward to the Clerk of the Crown the following documents—

(*a*) the packets of ballot papers in his possession,

(*b*) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,

(*c*) the tendered votes lists, the lists of blind voters assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of blind voters,

(*d*) the packets of counterfoils and certificates as to employment on duty on the day of the poll,

(*e*) the packets containing marked copies of registers and of lists of proxies,

endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the constituency for which the election was held.

(2) The returning officer may forward the documents either by delivering them by himself or his agent to the Clerk of the Crown or his deputy or by sending them by post in like manner as he may send the writ by post; but if he sends them by post—

(*a*) he shall send a letter to the Clerk of the Crown by the same post, specifying the number and description of the documents so sent;

(*b*) a copy of the receipt given him by the postmaster or deputy postmaster shall be signed by him and retained by the postmaster or deputy postmaster.

(3) The Clerk of the Crown shall on receiving the documents give a receipt to the person delivering them, and shall register them in books of the Crown Office specifying the date and time of receipt.

(4) Any receipt to be given for the documents shall show the date and time of their receipt.

Orders for production of documents

56.—(1) An order—

(*a*) for the inspection or production of any rejected ballot papers in the custody of the Clerk of the Crown, or

(*b*) for the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

may be made—

(i) by the House of Commons; or

(ii) if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution

for an offence in relation to ballot papers, or for the purpose of an election petition, by the High Court or a county court.

(2) An order for the opening of a sealed packet of counterfoils and certificates or for the inspection of any counted ballot papers in the Clerk of the Crown's custody may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to—

(*a*) persons,

(*b*) time,

(*c*) place and mode of inspection,

(*d*) production or opening,

as the House of Commons or court making the order may think expedient; but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

(i) that his vote was given; and

(ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this rule.

(5) Any power given under this rule—

(*a*) to the High Court or, except in Northern Ireland, to a county court, may be exercised by any judge of the court otherwise than in open court; and

(*b*) in Northern Ireland to a county court, may be exercised in such manner as may be provided by rules of court.

(6) Where an order is made for the production by the Clerk of the Crown of any document in his possession relating to any specified election—

(*a*) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and

(*b*) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

SCH. 1

(8) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Clerk of the Crown or to open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

57.—(1) The Clerk of the Crown shall retain for a year all documents relating to an election forwarded to him in pursuance of these rules by a returning officer, and then, unless otherwise directed by order of the House of Commons or the High Court, shall cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and subject to such conditions as may be prescribed by the Clerk of the Crown with the consent of the Speaker of the House of Commons.

(3) The Clerk of the Crown shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as may be sanctioned by the Treasury.

Disposal of documents in Scotland

58. In Scotland, the documents mentioned in sub-paragraphs (*a*) to (*e*) of paragraph (1) of rule 55 of these rules shall, instead of being forwarded to the Clerk of the Crown—

(*a*) be kept by the sheriff clerk of the sheriff court district comprising the constituency, or

(*b*) if the constituency comprises the whole or part of more sheriff court districts than one, the sheriff clerk of such one of those sheriff court districts as the Secretary of State may by order appoint,

and the provisions of rules 56 and 57 of these rules apply to those documents with the substitution of that sheriff clerk for the Clerk of the Crown.

Disposal of documents in Northern Ireland

59. In relation to an election for a constituency in Northern Ireland, any reference in this Part of these rules to the Clerk of the Crown shall be taken as a reference to the Clerk of the Crown for Northern Ireland.

PART VI

DEATH OF CANDIDATE

Countermand or abandonment of poll on death of candidate

60.—(1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall countermand notice of the poll or, if polling has begun, direct that the poll be abandoned,

and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received 28 days after the day on which proof was given to the returning officer of the death except that—

(*a*) no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated, and

(*b*) in the case of a general election, as in the case of a by-election, the time for delivery of nomination papers and the time for polling shall be determined in accordance with the third column in the Timetable in rule 1 of these rules (with the necessary modification of any reference to the date on which the writ is received).

(2) Where the poll is abandoned by reason of a candidate's death the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due course, and the returning officer shall dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

(*a*) it shall not be necessary for any ballot paper account to be prepared or verified ; and

(*b*) the returning officer, without taking any step or further step for the counting of the ballot papers or of the votes shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications—

(*a*) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers ; and

(*b*) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

SCH. 1

APPENDIX OF FORMS

Note.—The forms contained in this Appendix may be adapted so far as circumstances require.

Form of writ

*The name of the sovereign may be altered when necessary.

* Elizabeth the Second by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen Head of the Commonwealth Defender of the Faith to the Returning Officer for the Constituency Greeting

†This preamble to be omitted except in case of a general election.

‡Except in a general election insert here *in the place of A. B., deceased* or otherwise, stating the cause of vacancy.

†Whereas by the advice of Our Council We have ordered a Parliament to be holden at Westminster on the day of next We Command you that due notice being first given you do cause election to be made according to law of a Member to serve in Parliament for the said Constituency [‡in the place of] And that you do cause the name of such Member when so elected, whether he be present or absent, to be certified to Us in Our Chancery without delay

Witness Ourself at Westminster the day of in the year of Our Reign, and in the year of Our Lord 19 .

Label or direction of writ

To the Returning Officer for the Constituency.
A writ of a new election of a Member for the said Constituency.

Endorsement

Received the within Writ on the day of , 19 .
(Signed)
Returning-Officer (*or as the case may be.*)

Certificate endorsed on writ

I hereby certify, that the Member elected for the Constituency in pursuance of the within written Writ is of in the County of

(Signed)
Returning Officer (*or as the case may be.*)

Form of notice of election

PARLIAMENTARY ELECTION FOR THE CONSTITUENCY

1. An election is to be held of a Member to serve in Parliament for the said Constituency.

2. Nomination papers may be delivered by the candidate or his proposer or seconder to the returning officer at between the hours of 10 in the morning and 4 in the afternoon on any day after the date of this notice, but not later than the day of

3. Forms of nomination paper may be obtained at the place and times mentioned above. The returning officer will at the request of any elector prepare for signature a nomination paper.

4. If the election is contested, the poll will take place on the day of

(Signed)

Returning Officer (*or as the case may be.*)

day of , 19 .

NOTE

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983.

2. Every person guilty of a corrupt or illegal practice will, on conviction, be liable to the penalties imposed by the Representation of the People Act 1983.

3. Electors and their proxies should take note that applications to be treated as an absent voter and other applications and notices about postal or proxy voting must reach the registration officer by the day of next if they are to be effective for this election.

Form of nomination paper

ELECTION OF A MEMBER to serve in Parliament for the Constituency.

We, the undersigned, being electors for the said Constituency, do hereby nominate the under-mentioned person as a candidate at the said election.

Candidate's surname	Other names in full	Description	Home address in full
BROWN... ...	John Edward ...	Merchant	52, George Street, Bristol

Signatures	Electoral Number (See Note 3)	
	Distinctive letter	Number
Proposer.....	.....	.....
Seconder	.....	.....
We, the undersigned, being electors for the said Constituency, do hereby assent to the foregoing nomination.		
1	.....	.....
2	.....	.....
3	.....	.....
4	.....	.....
5	.....	.....
6	.....	.....
7	.....	.....
8	.....	.....

SCH. 1

NOTE

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

3. A person's electoral number is his number in the register to be used at the election (including the distinctive letter of the parliamentary polling district in which he is registered) except that before publication of the register his number (if any) in the electors lists for that register shall be used instead.

4. An elector may not subscribe more than one nomination paper for the same election.

5. A person whose name is entered in the register or electors lists may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

Form of Ballot Paper SCH. 1

Form of Front of Ballot Paper

1	BROWN (JOHN EDWARD Brown, of 52, George Street, Bristol, merchant.)	Counterfoil No.
2	BROWN (THOMAS WILLIAM Brown, of 136, London Road, Swindon, salesman.)	*The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*
3	JONES (William David Jones, of High Elms, Wilts., gentleman.)	
4	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swansworth, Berks.)	
5	SMITH (Mary Smith, of 72 High Street, Bath, married woman.)	

Form of Back of Ballot Paper

No.

Election for the Constituency

on 19

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

SCH. 1

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.

2. So far as practicable, the following arrangements shall be observed in the printing of the ballot paper—

(*a*) no word shall be printed on the face except the particulars of the candidates ;

(*b*) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidates from one another and the vertical rules separating those particulars from the numbers on the left-hand side and the spaces on the right where the vote is to be marked ;

(*c*) the whole space between the top and bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.

3. The surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—

(*a*) if his surname is the same as another candidate's, for his other names ; and

(*b*) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.

4. The number on the back of the ballot paper shall be printed in small characters.

Form of directions for the guidance of the voters in voting

1. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of the candidate for whom he votes, thus X.

3. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.

4. If the voter inadvertently spoils a ballot paper he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

5. If the voter votes for more than one candidate, or places any mark on the paper by which he may afterwards be identified his ballot paper will be void, and will not be counted.

6. If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months. SCH. 1

Form of declaration to be made by the companion of a blind voter

I, *A. B.*, of , having been requested to assist *C. D.*, (*in the case of a blind person voting as proxy add* voting as proxy for *M. N.*) whose number on the register is to record his vote at the election now being held in this constituency, hereby declare that [I am entitled to vote as an elector at the said election] [I am the * of the said voter and have attained the age of 18 years], and that I have not previously assisted any blind person [except *E. F.*, of] to vote at the said election.

*State the relationship of the companion to the voter.

(Signed) *A. B.*,

day of 19 .

I, the undersigned, being the presiding officer for the polling station for the Constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) *G. H.*,

day of 19 .
minutes past o'clock [a.m.] [p.m.]

NOTE.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

SCHEDULE 2

Section 53.

PROVISIONS WHICH MAY BE CONTAINED IN REGULATIONS AS TO REGISTRATION ETC.

1.—(1) Provisions prescribing the arrangements to be made for the carrying out of his registration duties by a registration officer for part of a constituency, where the constituency is not coterminous with or wholly situated in a district or London borough.

(2) Provisions authorising a registration officer to require persons to give information required for the purpose of his registration duties.

2. Provisions imposing on registration officers the duty of requiring persons to give information required for the purpose of the officer's duty under section 3(1) of the Juries Act 1974. 1974 c. 23.

3. Provisions laying down a timetable for the preparation of the register and other matters, and providing that notices and other documents received by the registration officer out of time may be or shall be disregarded either altogether or for the purposes of a particular register or election.

SCH. 2

4. Provisions as to the manner in which service declarations, and applications and notices from service voters, are to be transmitted to the registration officer.

5.—(1) Provisions as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence, of a person's service declaration having ceased to be in force.

(2) Provisions as to the evidence of age or nationality which may be required in connection with a person's registration otherwise than as a service voter or with his appointment as a proxy.

(3) Provisions requiring any fee payable in connection with the making for the purpose of the regulations of any statutory declaration to be paid by the registration officer.

(4) Provisions as to the evidence which shall or may be required, or be deemed sufficient or conclusive evidence in connection with a person's application to be treated as an absent voter—

(*a*) of his being subject to any physical incapacity and as to its probable duration ; or

(*b*) of his being bound to any religious observance and of the nature and times of the observance ; or

(*c*) of the fact that he is acting as returning officer at any election ; or

(*d*) of his employment as a constable or by a returning officer, mayor or person acting as mayor and the circumstances of that employment.

6. Provisions as to the cases in which a claim or objection may be determined by the registration officer without a hearing, and as to a person's right in any such cases to make written representations to him.

7. Provisions authorising a registration officer to require any person's evidence at a hearing before him to be given on oath and to administer oaths for the purpose.

8. Provisions as to marking the register so as to distinguish those registered as service voters and others having special rights as to the place or manner of voting at any election.

9. Provisions as to marking the register so as to distinguish those who are registered by virtue of the special provision about residence applying to merchant seamen or who, though not so registered, are merchant seamen within the meaning of that provision.

10. Provisions requiring copies of the electors lists, register and other documents or prescribed parts of them to be available for inspection by the public at such places as may be prescribed.

11. Provisions authorising or requiring the registration officer to supply to such persons as may be prescribed copies of the electors lists, register and other documents or prescribed parts of them, whether free of charge or on payment of a prescribed fee.

SCH. 2

12. Provisions as to the proceedings in connection with the issue and receipt of ballot papers for voting by post (including provisions as to the persons who are to be entitled or may be allowed to attend and the rights and obligations of persons attending), and provisions as to the steps to be taken to ensure the secrecy of the voting and the safe custody (before and after the count) of the ballot papers returned and other documents.

13.—(1) Provisions imposing pecuniary penalties (not exceeding level 3 on the standard scale, or, in Northern Ireland, not exceeding £100, for any offence) on persons summarily convicted—

(*a*) of having failed to comply with, or given false information in pursuance of, any such requisition of the registration officer as is mentioned in paragraph 1 or paragraph 2 above.

(*b*) of having, without lawful authority, destroyed, mutilated, defaced or removed any notice published by the registration officer in connection with his registration duties, or any copies of a document which have been made available for inspection in pursuance of those duties.

(2) Any other provisions incidental or supplemental to those mentioned in the foregoing paragraphs of this Schedule.

SCHEDULE 3

Sections 81 and 82.

RETURN AND DECLARATIONS AS TO ELECTION EXPENSES

FORM OF RETURN

Election in the.....
constituency (*for a local government election substitute* county of district of , *or as the case may be*).

Date of publication of notice of election.....

Name of candidate.....

1. I am the election agent of the person named above as a candidate at this election [am the person named above as a candidate at this election and was my own election agent].

(*Where there has been a change of election agent suitable variations may be introduced here and elsewhere in the return.*)

2. I hereby make the following return of the candidate's [my] election expenses at this election.

Receipts

(*Include all money, securities or equivalent of money received in respect of expenses incurred on account of or in connection with or incidental to the above election*).

Received of the above-named candidate (*or, if the candidate is his own election agent*, paid by me) ... ... £

Received of (*set out separately the name and description of each person, club, society or association and the amount received from him or them*) ... ... £

SCH. 3

Expenditure

NOTE.—*The return shall deal under a separate heading or sub-heading with any expenses included in it as respects which a return is required to be made by section 75 of this Act.*

Candidate's personal expenses—
paid by him [by me as candidate] ... ... £
paid by me [by me acting as my election agent] ... £
Received by me for my services as election agent (*omit if candidate is his own election agent*) ... ... £
Paid to * as sub-agent of the polling district of ... ... £
Paid to *† as polling agent ... ... £
Paid to *§ as clerk [messenger] for days services ... ... £
Paid to the following persons in respect of goods supplied or work and labour done—
to *§ (*set out the nature of the goods supplied or work and labour done thus*
[printing], [advertising], [stationery]) ... ... £
Paid to *§ as a speaker at a public meeting at on 19 , as remuneration [expenses] ... £
Paid for the hire of rooms—
for holding public meetings—
paid to *§ for hire of (*identify the rooms by naming or describing them*) ... ... £
for committee rooms—
paid to *§ for hire of (*identify the rooms by naming or describing them*) ... ... £
Paid for postage ... ... £
Paid for telegrams (or any similar means of communication) £
Paid for miscellaneous matters—
to *§ (*set out the reason for the payment*) ... ... £
In addition to the above I am aware (*unless the candidate is his own election agent add* as election agent for the above-named candidate) of the following disputed and unpaid claims—
Disputed claims—
by ‡ for (*set out the goods, work and labour, or other matter on the ground of which the claim is based*) ... £
Unpaid claims allowed by the court to be paid after the proper time or in respect of which application has been or is about to be made to the court (*state in each case whether the High Court or some other court*)—
by ‡ for (*set out the goods, work and labour, or other matter on the ground of which the claim is due*) ... £

Signature of person making return.....

* *Set out separately the name and description of each person with the amount paid to him.*

† *These particulars may be set out in a separate list annexed to and referred to in the account thus "Paid to* (polling agent) *as per annexed list £.....".*

‡ *Set out separately the name and description of each person with the amount paid to or claimed by him.*

§ *These particulars may be set out in a separate list annexed to and referred to in the account.*

FORM OF DECLARATIONS SCH. 3

Election in the ..... constituency (*for a local government election substitute* county of , district of , *or as the case may be*).

Date of publication of notice of election .....

Name of candidate .....

I solemnly and sincerely declare as follows:—

1. I am the person named above as a candidate at this election [and was my own election agent] *or* was at this election the election agent of the person named above as a candidate.

2. I have examined the return of election expenses [about to be] transmitted by my election agent [by me] to the returning officer, (*at a local government election, substitute* appropriate officer) of which a copy is now shown to me and marked , and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent [by me], except as otherwise stated in relation to my [the candidate's] personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant .....

Signed and declared by the above named declarant on the day of , before me,

(Signed) .....

Justice of the Peace (*or as the case may be*) for .....

(NOTE.—*Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.*)

SCHEDULE 4

Sections 90 and 197.

ELECTION EXPENSES AT CERTAIN LOCAL ELECTIONS IN ENGLAND AND WALES

1.—(1) Any claim against any person in respect of any election expenses incurred by or on behalf of a candidate which is not sent in within 14 days after the day of election shall be barred and not paid, and all election expenses incurred as mentioned above shall be paid within 21 days after the day of election and not otherwise.

(2) If any person makes a payment in contravention of this paragraph he shall be guilty of an illegal practice, but a candidate

SCH. 4

shall not be liable, nor shall his election be avoided, for any illegal practice committed under this sub-paragraph without his consent or connivance.

2. Every agent of a candidate at the election shall, within 23 days after the day of election, make a true return to the candidate in writing of all election expenses incurred by the agent and if he fails so to do he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

3. Within 28 days after the day of election every candidate shall send to the proper officer of the authority for which the election is held a return of all election expenses incurred by the candidate or his agents vouched (except in the case of sums under £1) by bills stating the particulars and receipts and accompanied by a declaration by the candidate as to election expenses.

4.—(1) After the expiry of the time for making the return and declaration, the candidate, if elected, shall not, until he has made the return and declaration or until the date of the allowance of any authorised excuse under paragraph 7 below, sit or vote in the council and if he does so—

(*a*) he shall forfeit £50 for every day on which he so sits or votes ; or

(*b*) instead of civil proceedings for a penalty, proceedings may be instituted in a magistrates' court, and he shall be liable on conviction to a fine of an amount not exceeding the amount of the penalty which would be recoverable in civil proceedings.

(2) In relation to an offence under this paragraph—

(*a*) a proceeding for an offence under this paragraph shall be commenced within one year after the offence was committed and the time so limited by this sub-paragraph shall, in the case of any proceedings under the Magistrates' Courts Act 1980 be substituted for any limitation of time contained in that Act ;

1980 c. 43.

(*b*) the issue of a writ or other process shall be deemed to be a commencement of a proceeding, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, but save as mentioned above the service or execution of the same on or against the alleged offender, and not its issue, shall be deemed to be the commencement of the proceeding.

5. If the candidate fails to make that return and declaration he shall be guilty of an illegal practice, and, if he knowingly makes that declaration falsely, he shall be guilty of a corrupt practice.

6. The High Court, an election court or the county court may, on application either of the candidate or a creditor, allow any claim to be sent in and any expense to be paid after the time limited by this Schedule, and a return of any sum so paid shall forthwith after payment be sent to the proper officer of the authority.

7.—(1) If the candidate applies to the High Court, an election court or the county court and shows that the failure to make that return and declaration or either of them or any error or false statement in them has arisen by reason of—

(*a*) his illness or absence, or

(*b*) the absence, death, illness or misconduct of any agent, clerk or officer, or

(*c*) inadvertence or any reasonable cause of a like nature,

and not by reason of any want of good faith on the applicant's part, the court may—

(i) after such notice of the application as it considers fit, and

(ii) on production of such evidence of the grounds stated in the application, and of the applicant's good faith, and otherwise, as it considers fit,

make such order allowing the authorised excuse for the failure, error or false statement as it considers just.

(2) The order may make the allowance conditional upon compliance with such terms as to the court seem best calculated for carrying into effect the objects of this Schedule, and the order shall relieve the applicant from any liability or consequence under this Act in respect of the matters excused by the order.

(3) The date of the order, or, if conditions and terms are to be complied with, the date on which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

8.—(1) The return and declaration shall be kept at the office of the proper officer of the authority and shall at all reasonable times during the twelve months next after they are received by him be open to inspection by any person on payment of the prescribed fee and the proper officer shall, on demand, provide copies of them, or of any part of them, at the prescribed price.

(2) After the expiry of twelve months the proper officer of the authority may cause the return and declaration to be destroyed or, if the candidate so requires, shall return them to him.

9. For the purposes of this Schedule—

(*a*) the jurisdiction vested by paragraph 7 in a county court may be exercised otherwise than in open court; and

(*b*) an appeal lies to the High Court from any order of a county court made by virtue of that paragraph.

SCHEDULE 5

Section 95.

USE FOR PARLIAMENTARY ELECTION MEETINGS OF ROOMS IN SCHOOL PREMISES AND OF MEETING ROOMS

1.—(1) Any arrangements for the use of a room in school premises shall be made with the local education authority maintaining the school.

SCH. 5

(2) Any question as to the rooms in school premises which a candidate in any constituency is entitled to use, or as to the times at which he is entitled to use them, or as to the notice which is reasonable, shall be determined by the Secretary of State.

2.—(1) Every local education authority shall prepare and revise for their area lists of the rooms in school premises which candidates in any constituency are entitled to use.

(2) The list shall include the rooms in premises outside, as well as those in premises in, the constituency.

3.—(1) Every district and London borough council shall prepare and revise for their area lists of the meeting rooms which candidates in any constituency are entitled to use.

(2) The list shall indicate the person to whom applications for the use of the room are to be made in each case.

(3) The list shall not include any room if the person maintaining it disputes the right of candidates in the constituency to use it.

4. The lists of rooms in school premises and of meeting rooms prepared for each constituency shall be kept by the registration officer, and those lists and particulars of any change made on their revision shall (where necessary) be forwarded to him accordingly.

5. In the event of a dissolution, or of a vacancy occurring in the seat for the constituency, any person stating himself to be, or to be authorised by, a candidate or his election agent shall be entitled at all reasonable hours to inspect those lists or a copy of them.

6. In the application of this Schedule to Scotland—

(*a*) for any reference to a local education authority substitute a reference to an education authority ;

(*b*) sub-paragraph (1) of paragraph 2, sub-paragraph (1) of paragraph 3 and paragraph 4 do not apply, and it is the duty of the proper officer of the council of every islands area and district to prepare and keep for each constituency wholly situated in the area of the council and for each part so situated of any other constituency—

(i) a list of rooms in school premises, and

(ii) a list of meeting rooms,

which candidates in the constituency are entitled to use.

SCHEDULE 6

Section 191(2).

WARD ELECTIONS IN THE CITY

1. Without prejudice to the application of any provision of this Act to elections in the City by virtue of sections 191 to 196 of this Act, this Schedule has effect as regards the operation of Part II of the City of London (Various Powers) Act 1957 (referred to in this Schedule as " the City Act ").

1957 c. x.

2. Notwithstanding anything in section 6(1) of the City Act—

(*a*) a person qualified (age apart) to vote as an elector at a ward election shall be entitled to do so if he is of the age of 18 years or over on the date of the poll, except that,

(*b*) a person registered in the ward list to be used at a ward election shall not be entitled to vote as an elector at the election if his entry in the ward list gives a date later than the date of the poll as the date on which he will attain the age of 18 years.

3. Ward lists and provisional ward lists shall give for any elector the date on which it appears to the town clerk of the City that the elector will attain the age of 18 years, if that date is after the 16th November in the year in which the ward lists are to be published.

4. Claims and objections asking for the omission, insertion or alteration of a date in a ward list as that on which an elector will attain that age may be made as in the case of claims and objections relating to the inclusion of a person's name in the list, and sections 7(4) and 9 of the City Act shall with any necessary modifications apply accordingly.

5. Any power under this Act to prescribe the form of service declaration may be exercised so as to take account of the difference between the qualifying date under this Act and the qualifying date under the City Act.

6. Nothing in this Act affects the operation of subsections (3) and (4) and paragraph (*a*) of subsection (5) of section 5 of the Representation of the People Act 1949 (which contain provisions relating to the yearly value of lands and premises and to cases of their joint occupation) in relation to their application by section 4(2) of the City Act.

1949 c. 68.

SCHEDULE 7

Section 206.

TRANSITIONAL AND SAVING PROVISIONS, AND INTERPRETATION OF OTHER ACTS

PART I

TRANSITIONAL AND SAVING PROVISIONS

General

1. Where a period of time specified in an enactment repealed by this Act is current at its commencement, this Act has effect as if the provision corresponding to that enactment had been in force when that period began to run.

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2. The imposition or subsistence of an incapacity is not affected by the repeal by this Act of any enactment, and any such incapacity shall for the purposes of this Act be treated as having been imposed under the corresponding provision of this Act.

1962 c. 14 (N.I.).
1977 c. 9.

Electoral Law Act (Northern Ireland) 1962

3. Notwithstanding the repeal by this Act of section 1(3) of the Representation of the People Act 1977, the amendments by that section 1(3) of the Electoral Law Act (Northern Ireland) 1962 continue to have the same effect as they had immediately before the coming into force of this Act.

1964 c. 26.

Licensing Act 1964

1969 c. 15.

4. Notwithstanding the repeal by this Act of section 24(2) of the Representation of the People Act 1969, the amendments by that section 24(2) of the Licensing Act 1964 continue to have the same effect as they had immediately before the coming into force of this Act.

1973 c. 36.

Northern Ireland Constitution Act 1973

5. So far as sections 8(4) and 26 of this Act reproduce any provision derived from the exercise of the power under section 38 of the Northern Ireland Constitution Act 1973 to make an Order in Council that provision has effect as if it were contained in an Order in Council so made.

Variation of limits of candidates' election expenses

S.I. 1981/191.
S.I. 1982/363.

6. Notwithstanding the revocation by this Act of the Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1981 and the Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1982, on the commencement of this Act the coming into operation of those orders shall for the purposes of sections 76(3) and 197(3) of this Act be taken (as the case may be) as the last occasion on which the maximum amount of the candidates' expenses was varied by order.

1972 c. 70.

Section 254 of the Local Government Act 1972

7. Any power exercisable under section 254 of the Local Government Act 1972 (consequential and supplementary provision) in relation to a provision of that Act repealed and re-enacted by this Act is exercisable in relation to that provision as so re-enacted to the extent that it would have been exercisable immediately before such repeal.

1982 c. 48.

Criminal Justice Act 1982

8. In the Table below—

(*a*) the first column sets out certain provisions of this Act which specify a fine on summary conviction,

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(*b*) the second column sets out in relation to each corresponding provision in the first column the maximum amount of that fine, and (notwithstanding anything in that provision to the contrary) that maximum amount shall continue to have effect as to any such fine until replaced as mentioned in paragraph (*c*) below,

(*c*) the third column sets out in relation to each corresponding provision in the first column the level on the standard scale which shall replace that maximum amount in relation to any such fine by virtue of an order made under section 80 (commencement) of the Criminal Justice Act 1982 bringing 1982 c. 48. the relevant provisions of that Act into force,

but nothing in paragraphs (*b*) and (*c*) above affects the punishment for an offence committed before the replacement mentioned in those paragraphs.

This paragraph does not apply in Northern Ireland.

TABLE

Provision of this Act	Maximum amount of fine	Level on standard scale
Section 62(1)	£500	4
Section 63(1)	£100	3
Section 64(1)	£100	3
Section 65(4)	£50	2
Section 97(3)	£25	1
Section 99(2)	£200	4
Section 100(2)	£100	3
Section 110(3)	£100	3
Section 169	£100	3
Section 175(1)	£100	3
Section 190	£50	2
Schedule 2, paragraph 13(1) ...	£100	3
Schedule 4, paragraph 2 ...	£50	3

Mental Health (Amendment) Act 1982 1982 c. 51.

9. Notwithstanding the repeal by this Act of section 4(3) of the Representation of the People Act 1949, that subsection shall continue 1949 c. 68. to have effect instead of section 7 of this Act until the coming into force (on 1st April 1983) of section 62 of and Schedule 2 (electoral registration and voting in case of voluntary mental patients) to the Mental Health (Amendment) Act 1982; and the following provisions of this Act shall not have effect until that coming into force—

(*a*) sections 5(3) and 7;

(*b*) section 19(1) and (4), 32(1), 33(2) and 62(1) to the extent that they provide for or refer to a patient's declaration under section 7;

(*c*) paragraph 27 of Schedule 8; and

(*d*) Part II of Schedule 9 to the extent that it repeals certain provisions of the Mental Health (Amendment) Act 1982.

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PART II

INTERPRETATION OF OTHER ACTS

Register, electors, etc.

10.—(1) A reference in any Act (whenever passed) to—

(*a*) the register of parliamentary and local government electors, or

(*b*) the register of parliamentary electors, or

(*c*) the register of local government electors, or

(*d*) the electors lists for such a register,

shall be taken as a reference to—

(i) the register kept under this Act, or

(ii) that register so far as it relates to parliamentary electors, or

(iii) that register so far as it relates to local government electors, or

(iv) the electors lists for such a register,

as the case may be, and references in any Act to a parliamentary or local government elector shall be construed accordingly.

(2) In relation to a person shown in a register or electors list as attaining voting age on a specified date the references in sub-paragraph (1) above do not apply except for the purposes of an election at which the day fixed for the poll falls on or after that date.

Registration and returning officers

11. A reference in any Act (whenever passed) to—

(*a*) the registration officer for the registration of parliamentary or local government electors, or

(*b*) the returning officer for a parliamentary election or constituency,

shall be taken respectively as a reference to the registration officer or returning officer appointed under this Act.

Registration expenses

12. A reference in any Act (whenever passed) to registration expenses in connection with the registration of parliamentary or local government electors shall be taken as a reference to registration expenses under this Act.

Supplemental

13.—(1) Subject to this paragraph, the provisions of paragraphs 10 to 12 of this Schedule apply to a reference—

(*a*) to any of the matters mentioned in those provisions, whatever the terms used in that reference ; and

(*b*) to any other matter which was to be construed as a reference to any of those matters by virtue of an enactment repealed by the Representation of the People Act 1948.

1948 c. 65.

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(2) Those provisions so far as they relate to this Act or any other Act passed after that Act of 1948 do not apply where the context otherwise requires.

(3) Those provisions so far as they relate to Acts passed before that Act of 1948 may be excluded in whole or in part by an order of the Secretary of State in any particular case where they appear to him to be inappropriate.

(4) That order may make such change in the law which this Act reproduces from the Representation of the People Act 1949 as might have been made before its commencement under paragraph 8(1)(*c*) of Part I of Schedule 10 to that Act of 1948. 1949 c. 68.

(5) The provisions of paragraphs 10 to 12 may be supplemented by an order made by the Secretary of State in relation to an Act passed previous to the Representation of the People Act 1948— 1948 c. 65.

(*a*) where, in any particular case, such an order appears to him necessary for harmonising the previous Act with the provisions of this Act; and

(*b*) to the extent that the provisions of this Act re-enact such provisions of the Representation of the People Act 1949 as re-enacted provisions of that Act of 1948.

(6) A power conferred by this paragraph to make an order shall be exercisable by statutory instrument, and any such instrument shall be subject to annulment by resolution of either House of Parliament.

(7) Nothing in paragraphs 10 to 12 shall be taken to prejudice the operation in relation to this Act of any provision of the Interpretation Act 1978 as to repeals. 1978 c. 30.

SCHEDULE 8

Section 206.

CONSEQUENTIAL AMENDMENTS

ACTS

Public Meeting Act 1908 1908, 8 Edw.7 c. 66.

1. After subsection (3) of section 1 of the Public Meeting Act 1908 insert the following subsection—

"(4) This section does not apply as respects meetings to which section 97 of the Representation of the People Act 1983 applies."

City of London (Various Powers) Act 1957

2. In section 4 of the City of London (Various Powers) Act 1957— 1957, 5 & 6 Eliz. 2 c. x.

(*a*) in subsection (1) for "'Act of 1949'" substitute "'Act of 1983'", and for "Representation of the People Act 1949" substitute "Representation of the People Act 1983";

(*b*) in subsection (1), for "set out in the Second Schedule to the Act of 1949" substitute made by the Secretary of State under section 36 of the Act of 1983";

(*c*) in subsection (2), for "Act of 1949" substitute "Representation of the People Act 1949".

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3. In section 8 of the City of London (Various Powers) Act 1957—

1957, 5 & 6 Eliz. 2 c.x.

(*a*) in subsection (1)—

(i) for "Act of 1949" substitute "Act of 1983" and for "section 167" substitute "sections 191 to 196";

(ii) for the words after "apply to and in respect of ward elections" to the end substitute the words—

"section 3 (disfranchisement of offenders in prison, etc.);

section 6 (residence: merchant seamen);

sections 14(1) and 15 to 17 (service qualifications and declarations for registration);

section 32 (voting at local government elections);

section 33 (absent voters at local government elections);

section 34 (proxies at local government elections);

section 46 (further provision as to local election voting);

section 59 (supplemental provisions as to members of forces and service voters)."

(*b*) in subsection (2)—

(i) for "section 23 of the 1949 Act" substitute "section 32 of the 1983 Act";

(ii) for "'at the polling station allotted to them under the local election rules'" substitute "'at the polling station allotted to them by the rules under section 36 or section 42 below'".

(*c*) in subsection (3), for "section 25 of the Act of 1949" substitute "section 34 of the Act of 1983";

(*d*) in subsection (4), for "Act of 1949" substitute "Act of 1983" and for "rule 21 of the local elections rules" substitute "rule 20 of the Local Elections (Principal Areas) Rules 1973";

S.I. 1973/79.

(*e*) in subsection (5), for "Act of 1949" substitute "Act of 1983".

4. In section 9(4) of the City of London (Various Powers) Act 1957 for "Act of 1949" substitute "Act of 1983".

City of London (Various Powers) Act 1960

8 & 9 Eliz. 2 c. xxxvi.

5. In section 39 of the City of London (Various Powers) Act 1960—

1949 c. 68.

(*a*) in paragraph (*b*) of subsection (1), for "Representation of the People Act 1949" substitute "Representation of the People Act 1983";

(*b*) in subsection (2), for "Act of 1949" substitute "Act of 1983".

London Government Act 1963

1963 c. 33.

6. In Schedule 3 to the London Government Act 1963—

(*a*) in paragraph 22 of Part II, for "Representation of the People Act 1949" substitute "Representation of the People Act 1983";

(*b*) in paragraph 23 of Part II, for "said Acts of 1949" substitute "Representation of the People Act 1983". SCH. 8

Licensing Act 1964 1964 c. 26.

7. In section 12(2) of the Licensing Act 1964 for "section 146(6) of the Representation of the People Act 1949" substitute "section 168(7) of the Representation of the People Act 1983". 1949 c. 68.

8. In section 67(5) of the Licensing Act 1964, for "Representation of the People Act 1949" substitute "Representation of the People Act 1983", and—

(*a*) in paragraph (*a*) of that subsection, for "section 47, section 48" substitute "section 60, section 61", and for "section 52" substitute "section 65";

(*b*) in paragraph (*b*) of that subsection, for "section 53" substitute "section 66";

(*c*) in paragraph (*c*) of that subsection, for "sections 99 to 101" substitute "sections 113 to 115";

(*d*) in paragraph (*d*) of that subsection, for "sections 146 to 148 and 151" substitute "sections 168 to 170 and 173";

(*e*) in paragraph (i) of that subsection, for "section 53" substitute "section 66"; and

(*f*) in paragraph (ii) of that subsection, for "section 99" substitute "section 113".

9. In section 67(6) of the Licensing Act 1964—

(*a*) for "sections 147 and 151 of the Representation of the People Act 1949" substitute "sections 169 and 173 of the Representation of the People Act 1983)"; and

(*b*) for "section 151" substitute "section 173".

10. In Schedule 8 to the Licensing Act 1964—

(*a*) in paragraph 1, for "section 42 of the Local Government Act 1972" substitute "section 36 of the Representation of the People Act 1983"; 1972 c. 70.

(*b*) in paragraph 5—

(i) for "section 42 of the Representation of the People Act 1949" substitute "section 53 of the Representation of the People Act 1983";

(ii) for "section 53(4) of the Representation of the People Act 1949" substitute "section 66(4) of the Representation of the People Act 1983".

Post Office Act 1969 1969 c. 48.

11. In section 72(1) of the Post Office Act 1969 for "Representation of the People Act 1949" substitute "Representation of the People Act 1983".

Local Government Act 1972

12. In the following provisions of the Local Government Act 1972 for "Representation of the People Act 1949" substitute "Representation of the People Act 1983"—sections 6(1), 9(5), 11(3)(*b*), 16(2),

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25(1), 28(2), 29(3)(*b*), 35(1), 80(1)(*e*), 86(*b*) and Schedule 2, paragraph 6(1).

1972 c. 70.

13. In section 89(6) of the Local Government Act 1972 for "section 42 above" substitute "section 36 of the Representation of the People Act 1983".

14. In paragraphs 18(5) and 34(5) of Schedule 12 to the Local Government Act 1972 for "section 42 above and of the enactments mentioned in section 165(1) of the Representation of the People Act 1949" substitute "section 36 of the Representation of the People Act 1983 and of the enactments mentioned in section 187(1) of that Act".

1949 c. 68.

1973 c. 65.

Local Government (Scotland) Act 1973

15. In the Local Government (Scotland) Act 1973—

(*a*) in section 4(1), for "Act of 1949" substitute "Representation of the People Act 1983";

(*b*) in paragraph (d) of section 31(1), for "Representation of the People Act 1949" substitute "Representation of the People Act 1983".

16. In paragraph (*b*) of section 64(5) of the Local Government (Scotland) Act 1973, for "section 6(3) of the Representation of the People Act 1949" substitute "section 8(3) of the Representation of the People Act 1983".

1974 c. 23.

Juries Act 1974

17. In section 3(1) of the Juries Act 1974, for "Representation of the People Act 1949" substitute "Representation of the People Act 1983".

1975 c. 24.

House of Commons Disqualification Act 1975

18. In section 6(3) of the House of Commons Disqualification Act 1975, for "section 124(5) of the Representation of the People Act 1949" substitute "section 144(7) of the Representation of the People Act 1983".

19. For section 10 of the House of Commons Disqualification Act 1975 substitute—

"Saving as to disqualification of priests in holy orders etc.

10. Nothing in this Act shall be construed as affecting the enactments relating to the disqualification for membership of the House of Commons of priests in holy orders or ministers of any religious denomination."

20. In Part III of Schedule 1 to the House of Commons Disqualification Act 1975—

(*a*) for the reference to "Registration Officer appointed under Part III of the Local Government Act 1972" substitute "Registration Officer appointed under section 8(2) of the Representation of the People Act 1983";

(*b*) for the reference to "Returning Officer under section 17(2) of the Representation of the People Act 1949 and any Deputy Returning Officer appointed by him" substitute "Returning Officer under section 25(1) of the Representation of the People Act 1983 and any Deputy Returning Officer appointed by him." SCH. 8 1949 c. 68.

European Assembly Elections Act 1978 1978 c. 10.

21. In section 4(2) of the European Assembly Elections Act 1978—

(*a*) for "Representation of the People Act 1949" substitute "Representation of the People Act 1983";

(*b*) for "section 48(2)" substitute "section 61(2)";

(*c*) for "section 48(7)" substitute "section 61(7)"; and

(*d*) for "section 155" substitute "section 178".

22. In paragraph (*b*) of section 7(2) of the European Assembly Elections Act 1978 for "section 43(2) of the Representation of the People Act 1949" substitute "section 54(2) of the Representation of the People Act 1983".

23. In paragraph 4(2) of Schedule 1 to the European Assembly Elections Act 1978, for "section 6 of the Local Government (Scotland) Act 1973" substitute "section 41 of the Representation of the People Act 1983". 1973 c. 65.

Judicature (Northern Ireland) Act 1978 1978 c. 23.

24. In paragraph (*h*) of section 35(2) of the Judicature (Northern Ireland) Act 1978, for "sections 107 to 136 of the Representation of the People Act 1949" substitute "sections 120 to 156 of the Representation of the People Act 1983".

25. In section 108(1) of the Judicature (Northern Ireland) Act 1978 for "section 110 of the Representation of the People Act 1949" substitute "section 123 of the Representation of the People Act 1983".

Supreme Court Act 1981 1981 c. 54.

26. In section 142(1) of the Supreme Court Act 1981, for "Representation of the People Act 1949" substitute "Representation of the People Act 1983".

Mental Health (Amendment) Act 1982 1982 c. 51.

27. In section 70(2) of the Mental Health (Amendment) Act 1982 for "Sections 62 and 64(2) above and Schedule 2 to this Act extend" substitute "Section 64(2) above extends".

ORDER

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 S.I. 1981/228 (N.I. 8).

28. In Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981, in paragraph 5 of Part II, for "Representation of the People Act 1949" substitute "Representation of the People Act 1983".

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SCHEDULE 9

REPEALS AND REVOCATIONS

PART I

REPEALS OF OBSOLETE PROVISIONS

Chapter	Short title	Extent of repeal
7 & 8 Geo. 5. c. 64.	The Representation of the People Act 1918.	Sections 19 and 43.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act 1949.	In paragraph (*b*) of section 45(11), from the beginning to the words " appeals thereunder, and ". In section 111(2)— (*a*) paragraph (*a*); (*b*) in paragraph (*b*), the words " whose clerk is registration officer ". In section 116(2), the word " gaolers ". Section 132. In section 161(2), the words " a simple contract debt ". In section 163, in the definition of " public office ", the word " municipal " where it first occurs and the word "bailie". In section 168(2), the words " where the poll is taken by means of voting papers ". Section 170. In section 174(1), paragraphs (*b*) and (*c*). In Schedule 2— (*a*) in Part II, rule 4(3); (*b*) in Part IV, in rule 53(2), the words " double return and any ". In paragraph 1(1) of Schedule 8, the words " and local government electors registered under this Act " to the end.
1968 c. xxxvii.	The City of London (Various Powers) Act 1968.	In section 3— (*a*) in subsection (3), the entry relating to the Representation of the People Act 1949; (*b*) subsection (4). Section 4.

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Chapter	Short title	Extent of repeal
1969 c. 39.	The Age of Majority (Scotland) Act 1969.	In paragraph 2 of Schedule 2, the words " The Representation of the People Acts (and any regulations, rules or other instruments thereunder) and".
1969 c. 46.	The Family Law Reform Act 1969.	In paragraph 2 of Schedule 2, the words " The Representation of the People Acts (and any regulations, rules or other instruments thereunder) " and the words " and any statutory provision " to the end.
1973 c. xx.	The City of London (Various Powers) Act 1973.	Section 9.
1973 c. 65.	The Local Government (Scotland) Act 1973.	In section 11— (*a*) subsection (2); (*b*) in subsection (3), the words " Representation of the People Acts and other " and " and local government "; (*c*) subsection (4). In Schedule 2, paragraph 2(4), (5).
1979 c. 40.	The Representation of the People Act 1979.	The whole Act.

PART II

CONSEQUENTIAL REPEALS

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6 c. 68.	The Representation of the People Act 1949.	The whole Act, so far as unrepealed.
12, 13 & 14 Geo. 6 c. 86.	The Electoral Registers Act 1949.	The whole Act.
2 & 3 Eliz. 2 c. 8.	The Electoral Registers Act 1953.	The whole Act.
6 & 7 Eliz. 2 c. 55.	The Local Government Act 1958.	In Schedule 8, paragraph 31(2) to (4).
6 & 7 Eliz. 2 c. 64.	The Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	In Part I of Schedule 4, paragraph 16(2).
1961 c. xxviii.	The City of London (Various Powers) Act 1961.	Section 44.
1963 c. 33.	The London Government Act 1963.	In Schedule 3— (*a*) in Part I, paragraph 16; (*b*) in Part III, paragraphs 27, 31 to 33 and 35.

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Chapter	Short title	Extent of repeal
1964 c. 31.	The Elections (Welsh Forms) Act 1964.	The whole Act.
1968 c. 64.	The Civil Evidence Act 1968.	In the Schedule, the entry relating to the Representation of the People Act 1949.
1969 c. 15.	The Representation of the People Act 1969.	The whole Act.
1969 c. 48.	The Post Office Act 1969.	In Part II of Schedule 4, paragraph 47.
1971 c. 23.	The Courts Act 1971.	In Part II of Schedule 8, paragraph 30.
1971 c. 36. (N.I.).	The Civil Evidence Act (Northern Ireland) 1971.	In the Schedule, the entry relating to the Representation of the People Act 1949.
1972 c. 70.	The Local Government Act 1972.	Part III. In section 243— (*a*) in subsection (2), the words " section 42 above or "; (*b*) in subsection (4), the words " section 44(1) or ". Schedule 6.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Sections 6 to 10. In Schedule 3, paragraphs 2 to 18, and 20 to 23.
1974 c. 23.	The Juries Act 1974.	Section 3(3).
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975.	In Schedule 7A, item 6.
1975 c. 24.	The House of Commons Disqualification Act 1975.	Section 10(1).
1976 c. 29.	The Representation of the People (Armed Forces) Act 1976.	The whole Act.
1976 c. 52.	The Armed Forces Act 1976.	In Schedule 9, paragraph 19.
1976 c. 63.	The Bail Act 1976.	In Schedule 2, paragraph 12.
1977 c. 9.	The Representation of the People Act 1977.	The whole Act.
1977 c. 14.	The Returning Officers (Scotland) Act 1977.	The whole Act.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 1, item 9. In Schedule 12, the entry relating to the Representation of the People Act 1949.
1978 c. 4.	The Local Government (Scotland) Act 1978.	In the Schedule, paragraph 2.
1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the entry relating to the Representation of the People Act 1949.
1978 c. 32.	The Representation of the People Act 1978.	The whole Act.
1979 c. 31.	The Prosecution of Offences Act 1979.	In Schedule 1, the entry relating to the Representation of the People Act 1949.

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Chapter	Short title	Extent of repeal
1980 c. 3.	The Representation of the People Act 1980.	The whole Act.
1981 c. 34.	The Representation of the People Act 1981.	Section 3 and the Schedule.
1982 c. 51.	The Mental Health (Amendment) Act 1982.	Section 62. Section 69(5). In section 70(2) the words— (*a*) " 62 and "; (*b*) " and Schedule 2 to this Act ". Schedule 2.

PART III

CONSEQUENTIAL REVOCATIONS

Year and number	Title	Extent of revocation
S.I. 1973/2095.	Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973.	Article 2(4) to (6).
S.I. 1973/2163.	Northern Ireland (Modification of Enactments—No. 1) Order 1973.	In Schedule 5, paragraph 15.
S.I. 1974/595.	Local Authorities etc. (Miscellaneous Provision) (No. 2) Order 1974.	Article 3(7).
S.I. 1977/293.	Local Authorities etc. (Miscellaneous Provision) Order 1977.	Article 4(2).
S.I. 1981/191.	Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1981.	The whole Order.
S.I. 1982/363.	Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1982.	The whole Order.

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