CHAPTER 68

Representation of the People Act, 1949

ARRANGEMENT OF SECTIONS

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An Act to consolidate certain enactments relating to parliamentary and local government elections, corrupt and illegal practices and election petitions.

[24th November 1949.]

BE it enacted by the King'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) Subject to the provisions of subsection (2) of this section, the persons entitled to vote as electors at a parliamentary election in any constituency shall be those resident there on the qualifying date who, on that date and on the date of the poll, are of full age and not subject to any legal incapacity to vote and either British subjects or citizens of the Republic of Ireland:

Provided that a person shall not be entitled to vote as an elector in any constituency unless registered there in the register of parliamentary electors to be used at the election nor, at a general election, to vote as an elector in more than one constituency.

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(2) A person shall not be 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:

Provided that this subsection shall not have effect with respect to the autumn register published in the year nineteen hundred and forty-nine or any election for which that register is to be used.

(3) A person shall not vote as elector more than once in the same constituency at any parliamentary election.

Local government electors.

2.—(1) The persons entitled to vote as electors at a local government election in any electoral area shall be those who—

(*a*) on the qualifying date either—

(i) are resident in the area; or

(ii) under the provisions of section five of this Act have a non-resident qualification therein; and

(*b*) are in either case on that date and on the date of the poll, of full age and not subject to any legal incapacity to vote and either British subjects or citizens of the Republic of Ireland:

Provided that a person shall not be 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 nor, at an ordinary election for any local government area which is not a single electoral area, to vote as an elector in more than one electoral area.

(2) A person shall not vote as elector more than once in the same electoral area at any local government election.

Qualifying date.

3. The qualifying date both for parliamentary and for local government elections shall be determined in accordance with the provisions of the First Schedule to this Act.

Residence.

4.—(1) For the purposes of sections one and two of this Act, any question as to a person's residence on the qualifying date for an election shall be determined in accordance with the general principles formerly applied in determining questions arising under the Representation of the People Act, 1918, as to a person's residence on a particular day of the qualifying period, and 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 the said general principles, a person's residence in a dwelling house shall not be deemed for

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the purposes of the said sections one and two 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 the duty aforesaid; 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 aforesaid; 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 aforesaid.

(3) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness, or who is detained in legal custody at any place, shall not by reason thereof be treated for the purposes aforesaid as resident there.

(4) For the purposes of subsection (2) of section one of this Act, a person ceasing to have a service qualification shall be treated as if he were resident in Northern Ireland during the period during which he had a service qualification.

Non-resident qualification for local government electors.

5.—(1) A person shall be deemed for the purposes of section two of this Act to have a non-resident qualification—

(*a*) in an electoral area in England or Wales if he is occupying as owner or tenant any rateable land or premises therein of the yearly value of not less than ten pounds;

(*b*) in an electoral area in Scotland if he is the owner, or occupier as tenant, of any lands and heritages within the area which are of the yearly value of not less than ten pounds and in respect of which rates are payable.

(2) A person's occupation of a dwelling house shall not be deemed to be interrupted by reason only of permission being given by letting or otherwise for its occupation furnished by some other person, if the first mentioned person intends to resume actual occupation within nine weeks of giving it up and will not be prevented by the permission given as aforesaid.

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(3) The yearly value of any land or premises in England or Wales shall—

(*a*) if the gross value thereof for rating purposes appears in the valuation list for the time being in force, be taken to be the gross value as so appearing, any necessary apportionment of that value being made by the registration officer;

(*b*) if no gross value thereof for rating purposes appears in the valuation list, but the value thereof is assessed under Schedule A of the Income Tax Act, 1918, be taken to be the gross annual value of the land or premises for income tax purposes, any necessary apportionment of that value being made by the registration officer; and

(*c*) in any other case, be taken to be the amount which would, in the opinion of the registration officer, have been the gross value for rating purposes of the land or premises under the enactments relating to rating and valuation in force on the sixth day of February, nineteen hundred and eighteen.

(4) In the case of a joint occupation of any land or premises in an electoral area in England or Wales, each of the joint occupiers shall be treated as occupying land or premises therein of the yearly value of not less than ten pounds, if the aggregate yearly value of the land or premises is not less than the amount produced by multiplying ten pounds by the number of joint occupiers.

(5) In England and Wales,—

(*a*) the expression "tenant"—

(i) shall not include a tenant of a dwelling house let to him furnished for a term of less than nine weeks, or of any room or rooms let to him furnished and occupied by him as a lodger; but

(ii) shall include a tenant of a dwelling house holding over after notice to quit has been given and possession has been demanded by the landlord; and

(*b*) the expression "rateable" means liable for the time being to be rated to the general rate or to any rate expressed by the Act creating it to be in the nature of a general rate, except that in relation to the City of London it means liable for the time being to be rated to the poor rate.

(6) Where, in Scotland, any lands and heritages are owned or occupied by two or more persons jointly and the aggregate yearly value of such lands and heritages is not less than the

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amount produced by multiplying ten pounds by the number of owners or occupiers as the case may be, each of them shall be treated as owning or occupying, as the case may be, lands and heritages of the yearly value of ten pounds.

(7) In the application of this section to Scotland,—

(*a*) the expression " owner "—

(i) shall include heir of entail in possession, life-renter and beneficiary entitled under any trust to the rents and profits of lands and heritages; and

(ii) shall not include the fiar of lands and heritages subject to a liferent, or tutor, curator, judicial factor, or commissioners;

and the expression " own " shall be construed accordingly;

(*b*) the expression " tenant " shall not include a tenant—

(i) of a dwelling house let to him furnished for a term of less than nine weeks, or

(ii) of any room or rooms let to him furnished and occupied by him as a lodger;

(*c*) the expression " lands and heritages " shall have the like meaning as in the Lands Valuation (Scotland) Act, 1854; and

(*d*) the expression " yearly value " in relation to any lands and heritages shall mean in the case where the lands and heritages are separately entered in the valuation roll the gross annual value appearing therein, and in any other case the gross annual value which would in the opinion of the registration officer be entered in the valuation roll, if the lands and heritages were separately entered therein.

Registration of parliamentary and local government electors

Registration officers and areas.

6.—(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, there shall be a registration officer for each constituency, and that officer shall be—

(*a*) in the case of a county constituency which is coterminous with or wholly contained in one county, or of a borough constituency which is coterminous with or wholly contained in a borough or urban district, the clerk of the authority for that county or that borough or district;

(*b*) in any other case, the clerk of the authority for such county or such borough or urban district as the Secretary of State may by order direct;

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and any two or more constituencies having the same registration officer shall together form a registration area, which shall be known by the name of the area of the authority whose clerk is registration officer.

(3) In Scotland, the assessor of any county or large burgh shall be the registration officer for any constituency or part of a constituency which is situated within that county or large burgh, and where there is more than one assessor of a county or large burgh such one of them as may be appointed by the county or town council for the purposes of this Act shall be the registration officer and all other assessors thereof shall for the said purposes be subject to and shall act on his instructions.

(4) In Northern Ireland, the county borough of Belfast and each county shall be a registration area, and the town clerk of Belfast or the secretary to the county council, as the case may be, shall be the registration officer for any constituency or part of a constituency in that area; and for the purposes of this subsection the county borough of Londonderry shall be deemed to be included in the county of Londonderry.

Registers of electors.

7.—(1) It shall be the duty of every registration officer to prepare and publish in the spring and autumn of 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) The elections for which any register is to be used and the date of the publication of the register shall be determined in accordance with the provisions of the First Schedule to this Act.

Right to be registered.

8.—(1) Subject to any enactment imposing any disqualification for registration as a parliamentary elector, all persons who may be entitled to vote as electors at parliamentary elections for which any register is to be used shall be entitled to be registered therein:

Provided that a person who on the qualifying date has a service qualification shall not be entitled to be registered except in pursuance of a service declaration made in accordance with section ten of this Act and in force on that date.

(2) Subject to any enactment imposing any disqualification for registration as a local government elector, all persons who may

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be entitled to vote as electors at local government elections for which any register is to be used shall be entitled to be registered therein:

Provided that—

(*a*) a person shall not be entitled to be registered more than once in any local government area;

(*b*) a person entitled as a resident to be registered as a local government elector in any local government area shall not be entitled to be so registered as a non-resident; and

(*c*) a person who on the qualifying date has a service qualification shall not be entitled to be registered as resident in any local government area, except in pursuance of a service declaration made in accordance with section ten of this Act and in force on that date.

Preparation of registers.

9.—(1) With a view to the preparation of the 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*) except in Northern Ireland, 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.

(2) In Northern Ireland all such claims and objections as aforesaid shall be determined by a revising officer, who shall be, for any area, the person having the like duty for the purpose of elections of members to serve in the House of Commons of Northern Ireland.

Service qualification.

10.—(1) The following persons shall have a service qualification for the purposes of this Act, namely—

(*a*) any person who is a member of the forces;

(*b*) any person who is employed in the service of the Crown in a post outside the United Kingdom of any prescribed class or description;

(*c*) any woman who is the wife of a person having a service qualification and is residing outside the United Kingdom to be with her husband;

so, however, that where a person leaves the United Kingdom to take up employment or residence as aforesaid or returns

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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) A service declaration shall be made only by a person who has a service qualification or, subject to any prescribed conditions, by a person about to leave the United Kingdom in such circumstances as to acquire a service qualification.

(3) 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 be registered or to vote.

(4) No service declaration shall be specially made by any person for the purpose of local government elections, but any service declaration made for the purpose of parliamentary elections shall have effect also for the purpose of local government elections:

Provided that a service declaration may be made for the purpose of local government elections only by any person who is as a peer subject to a legal incapacity to vote at parliamentary elections, and, 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.

(5) A service declaration shall state—

(*a*) the date of the declaration, and that on that date the declarant was a British subject or a citizen of the Republic of Ireland;

(*b*) whether the declarant had on the date of the declaration attained the age of twenty-one years, and, if he had not, the date of his birth; and

(*c*) that on the date of the declaration the declarant was, or but for the circumstances entitling him to make the declaration would have been, residing at an address specified in the declaration; and

(*d*) such particulars (if any) as may be prescribed of the declarant's identity and service qualification;

and shall be attested in the prescribed manner.

(6) A person whose service declaration is in force on the qualifying date—

(*a*) shall be treated for the purposes of registration as resident at the address specified in the declaration; and

(*b*) shall be treated for the purposes 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*) shall, until the contrary is proved, be treated also for the purposes of registration as being a British subject 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 appears therefrom.

(7) Where a service 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 had from the date of the declaration or such later date if any as appears therefrom, and as continuing to have, a service qualification.

(8) If a person makes a service declaration declaring to more than one address, or makes more than one service declaration bearing the same date and declaring to different addresses, the declaration or declarations shall be void.

(9) A service declaration may at any time be cancelled by the declarant and, subject to the last foregoing subsection, a service declaration bearing a later date shall, without any express cancellation, cancel a declaration bearing an earlier date.

(10) A service declaration, if not cancelled, shall continue in force so long as the declarant has a service qualification, except in so far as regulations provide that it shall cease to be in force on a change in the circumstances giving the service qualification.

Place and manner of voting at parliamentary elections

Polling districts and polling places.

11.—(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) It shall be the duty, in England and Wales, of the local authority whose clerk is registration officer and, in Scotland, of the returning officer 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, that is to say:—

(*a*) the local authority or 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*) in the case of a county constituency, each parish or, in Scotland, each electoral division 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;

(*e*) before deciding on any scheme relating to the division into polling districts of a constituency wholly or partly in the county of London the local authority shall send a draft of the scheme to the London county council and take into consideration any representations made to them by that council.

(3) 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.

(4) If any interested authority or not less than thirty 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 local authority or, in Scotland, 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 local authority 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 local authority or returning officer.

In this subsection the expression "interested authority" means a local authority within whose area the constituency is wholly or partly situated, and for the purposes of this definition the expression "local authority" means as respects England and Wales any county, borough, district or parish council (or, where there is no parish council, parish meeting), and as respects Scotland any county, town or district council.

(5) On the exercise of any power given by this section the local authority or returning officer shall publish in the constituency a notice showing the boundaries of any polling

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districts or polling places constituted as a result of the exercise of the power and, unless the power was exercised by the Secretary of State, shall also send him a report giving the same information.

(6) Subsections (2) to (5) of this section shall not apply to Northern Ireland, and in Northern Ireland the polling districts and polling places shall be those for the time being established under the law relating to the election of members to serve in the House of Commons of Northern Ireland.

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

(8) An election shall not be questioned by reason of any non-compliance with the provisions of this section or any informality relative to polling districts or polling places.

Place and manner of voting as elector.

12.—(1) All persons voting as electors at a parliamentary election shall do so in person at the polling station allotted to them 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 His 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;

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(*c*) those unable or likely to be unable, by reason either of blindness or any other physical incapacity, 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.

(2) A person registered as a service voter may vote by proxy unless either—

(*a*) he is entitled in pursuance of an application made under subsection (4) of this section to vote by post; or

(*b*) he applies for a ballot paper to vote in person before a ballot paper has been issued for him to vote by proxy;

but (where there is in force an appointment of a proxy to vote for him) shall not be entitled to vote in person unless he does so apply.

(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 His 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) Any of the persons mentioned in paragraphs (*a*) to (*e*) of subsection (1) of this section may vote by post if he applies to be treated as an absent voter and furnishes an address in the United Kingdom to which a ballot paper is to be sent for the purpose:

Provided that—

(*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.

(5) At an election for which a person's application to be treated as an absent voter is allowed, he shall not be entitled to vote in person.

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(6) 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 constituency.

(7) For the purposes of subsection (4) of this section, two addresses shall be deemed to be in the same area if they satisfy one of the following conditions. but not otherwise, that is to say—

(*a*) both are within the area of the same borough or urban district;

(*b*) both are within the area of the same parish in England or Wales, or of the same electoral division in Scotland, or of the same rural district in Northern Ireland.

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

Determination of right to be treated as absent voter.

13.—(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 the last foregoing section 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 the last foregoing subsection 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 thereof 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) The registration officer shall keep a record of absent voters and of the addresses furnished by them as the addresses to which their ballot papers are to be sent.

Proxies.

14.—(1) A person shall not be entitled to have more than one person at a time appointed as proxy to vote for him at parliamentary elections.

(2) A person shall not be capable of being appointed to vote, or voting, as proxy at a parliamentary election unless he is of full age, not subject to any legal incapacity to vote thereat as an elector and either a British subject or a citizen of the Republic of Ireland; and a person shall not be 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) Subject to the foregoing provisions of this section, any person shall be capable of being appointed proxy to vote at a parliamentary election and may vote in pursuance of the appointment.

(4) The appointment shall be made by the registration officer by means of a proxy paper issued by him on the application of the elector, and it shall be the duty of the registration officer 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.

(5) 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 is registered in pursuance of the same service declaration; 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.

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(6) Stamp duty shall not be chargeable on any instrument appointing a proxy under this section.

(7) 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.

Place and manner of voting as proxy.

15.—(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 of a person registered as a service voter (in this section referred to as " a service voter's proxy ") to vote by post.

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

(*a*) he applies so to do and furnishes 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) the said address is not in the same area as the service voter's qualifying address.

(3) For the purposes of this section, two addresses shall be deemed to be in the same area if they satisfy one of the following conditions, but not otherwise, that is to say—

(*a*) both are within the area of the same borough or urban district;

(*b*) both are within the area of the same parish in England or Wales, or of the same electoral division in Scotland, or of the same rural district in Northern Ireland.

(4) A service voter's proxy shall not be 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 that the service voter is or will be registered as such for elections to which the application relates, and that there is in force an appointment of the applicant as his proxy to vote in respect of that registration, and 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;

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(*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 thereof 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 service voter, 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 thereof if—

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

(*b*) he ceases to be proxy for the service voter, 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 furnished by them as the addresses to which their ballot papers are to be sent.

Conduct of parliamentary elections

Rules for parliamentary elections.

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

(2) It shall be the general duty of the returning officer at a parliamentary election to do all such acts and things as may be necessary for effectually conducting the election in manner provided by the said 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 the election was so conducted as to be substantially in accordance with the law as to elections, and that the act or omission did not affect its result.

Returning officers.

17.—(1) In England and Wales, the returning officer for a parliamentary election shall be—

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

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

(*c*) in any other case, such sheriff, mayor or chairman of an urban district council as may be designated by the Secretary of State.

(2) In Scotland, the returning officer for a parliamentary election shall be—

(*a*) in the case of a constituency wholly situated in one sheriffdom, the sheriff of that sheriffdom; and

(*b*) in the case of a constituency situated in more than one sheriffdom, the sheriff of such one of those sheriffdoms as the Secretary of State may by order direct.

(3) In Northern Ireland, the returning officer for a parliamentary election shall be—

(*a*) in the case of a constituency wholly contained in the county borough of Belfast or any county, the under-sheriff of that county borough or county; and

(*b*) in any other case, such under-sheriff as the Secretary of State may by order direct;

and for the purposes of this subsection the county borough of Londonderry shall be deemed to be included in the county of Londonderry.

(4) The execution of the writ for a parliamentary election shall belong to the returning officer as such and the office of returning officer shall be a distinct office from that by virtue of which he becomes returning officer.

(5) Where a person enters on any office by virtue of which he becomes returning officer, it shall belong to him and not to the outgoing holder of that office to complete the execution of any writ for a parliamentary election previously issued and not yet returned.

(6) No person shall be subject to any incapacity to vote at a parliamentary election by reason of his being or acting as returning officer thereat.

Discharge of functions of returning officer in England and Wales.

18.—(1) In England and Wales, the duties of the returning officer for parliamentary elections except—

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

(*b*) any other duties 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;

shall be discharged by the registration officer (or the person authorised to act as registration officer if the registration officer

PART I —*cont.*

himself is incapable of acting or there is a vacancy) as acting returning officer; and so shall any such duties as are mentioned in paragraph (*b*) of this subsection, if for the time being the returning officer is for any reason incapable of discharging his duties as such, or is under any enactment discharged from personally performing the office by virtue of which he is returning officer.

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

(3) An acting returning officer, in the discharge of the duties imposed on him by subsection (1) of this section shall have all the powers, obligations, rights and liabilities of the returning officer under this Act and this Act shall have effect accordingly.

(4) An acting returning officer shall have power to appoint deputies to discharge all or any of the said duties, but the appointment shall require the approval of the Secretary of State, where the powers of the deputy extend—

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

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

(5) A returning officer at a parliamentary election in England or Wales shall not be disqualified by reason of being returning officer for being a candidate at the election, unless he has reserved to himself any duties at the election which would otherwise be imposed by subsection (1) of this section on the acting returning officer.

Discharge of functions of returning officer in Scotland and Northern Ireland.

19.—(1) Where a sheriff in Scotland, or an under-sheriff in Northern Ireland, is—

(*a*) returning officer for more than one constituency; or

(*b*) incapacitated by reason of sickness or unavoidable absence from performing any of the duties devolving upon him as returning officer,

he may, without prejudice to any other power, by writing under his hand appoint a fit person to be his deputy for all or any of the purposes relating to an election in any constituency for which he is returning officer, and may, by himself or such deputy,

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exercise any power and do any things which the returning officer is authorised or required to exercise or do in relation to an election in such a constituency:

Provided that a deputy returning officer shall not be entitled to discharge any duty imposed on a returning officer under rule 3 of the parliamentary elections rules.

(2) Every deputy so appointed shall, in so far as he acts as returning officer, be deemed to be included in the term returning officer in the provisions of this Act relating to parliamentary elections.

(3) In Scotland, in the event of no appointment of a deputy being made by a sheriff who is incapacitated as aforesaid, or in the event of any vacancy in the office of sheriff at the time when any such duties as aforesaid require to be performed, the senior sheriff substitute of the sheriffdom the sheriff of which is the returning officer for the constituency shall act as returning officer, and shall perform all the duties and have all the powers (including the power of appointing deputies) of such returning officer.

(4) In Scotland, no appointment of a deputy or of any other officer appointed by a returning officer shall fail by reason of the death or disability of the returning officer subsequent to the issue of the notice of a parliamentary election.

(5) In Northern Ireland, in the event of no appointment of a deputy being made by an under-sheriff who is incapacitated as aforesaid, or in the event of any vacancy in the office of any under-sheriff at the time when any such duties as aforesaid require to be performed, such person as the Secretary of State may appoint shall act as returning officer, and shall perform all the duties and have all the powers (including the power of appointing deputies) of such returning officer.

Payments by and to returning officer.

20.—(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 the execution thereof:

Provided that nothing in this subsection shall be taken as applying to any inclusive salary payable to a returning officer in respect of the office by virtue of which he becomes returning officer.

(2) 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.

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(3) A returning officer shall be entitled to his reasonable charges, not exceeding the sums specified in the said 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.

(4) The amount of any such charges shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof on an account being submitted to the Treasury:

Provided that the Treasury may if they think fit, before payment, apply for the account to be taxed under the following provisions of this section.

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

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

(7) 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 the following provisions of this section the expression "the court" means the said court or Auditor.

(8) On any such application the court shall have 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.

(9) 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.

(10) 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.

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Loan of equipment for parliamentary elections in Northern Ireland.

21.—(1) In Northern Ireland, ballot boxes, fittings and compartments provided for each county or county district may be used free of charge at any parliamentary election for a constituency comprising the whole or any part of the county or district, and any damage other than reasonable wear and tear caused to the same shall be paid as part of the expenses of the election in which they are so used.

(2) It shall be the duty of the returning officer at a parliamentary election for such a constituency as aforesaid in Northern Ireland to make use, so far as practicable, of the ballot boxes, fittings and compartments provided as aforesaid or which are otherwise the property of any county or district council, and the court upon taxation of his accounts shall have regard to the provisions of this section.

Place and manner of voting at local government elections

Polling districts and polling stations at local government elections.

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

(2) For elections of metropolitan borough councillors the returning officer may divide a ward of the borough into polling districts, so however that every polling district shall consist of one or more complete registration units for which a separate part of the register of local government electors is available without alteration:

Provided that any polling district formed for the purpose of parliamentary elections or for the election of London county councillors and situate wholly within a ward of a borough shall, if the polling district is a complete registration unit for which a separate part of the register of local government electors is available without alteration, be a polling district for the election of metropolitan borough councillors.

(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.

Place and manner of voting as local government elector.

23.—(1) All persons voting as electors at a local government election shall do so in person at the polling station allotted to them under the local elections rules, except in so far as this section makes exceptions for—

(*a*) those registered as service voters;

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(*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 His 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, 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.

(2) A person registered as a service voter may at any local government election vote by proxy unless he applies for a ballot paper to vote in person before a ballot paper has been issued for him to vote by proxy, but (where there is in force an appointment of a proxy to vote for him) shall not be entitled to vote in person unless he does so apply.

(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 and not otherwise.

(4) Subject to the last foregoing subsection, any of the persons mentioned in paragraphs (*b*) to (*d*) of subsection (1) of this section who is not registered as a service voter, may vote by post

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at any local government election at which postal voting is allowed, if he applies to be treated as an absent voter and furnishes an address in the United Kingdom to which a ballot paper is to be sent for the purpose.

(5) At an election for which a person's application to be treated as an absent voter is allowed, he shall not be entitled to vote in person.

(6) 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.

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

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

(9) In this and the next following section, references to employment by a returning officer shall be taken as including, in relation to elections in a borough in England or Wales other than a metropolitan borough, references to employment by the mayor or any person acting in place of the mayor by virtue of the local elections rules.

Absent voters at local government elections.

24.—(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 the last foregoing section 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 His 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.

(3) An application not based on one of the grounds mentioned in the last foregoing subsection 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 thereof if—

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

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(*b*) he ceases to be registered at the same qualifying address, or becomes so registered as a resident instead of a non-resident or vice versa, or 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 the notice.

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

Proxies at local government elections.

25.—(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 the next following subsection, 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:

Provided that not more than one person at a time shall be appointed on behalf of any service voter.

(3) A person shall not be capable of being appointed under the last foregoing subsection to vote, or of voting, as proxy at a local government election unless he is of full age, not subject to any legal incapacity to vote thereat as an elector and either a British subject or a citizen of the Republic of Ireland.

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

(*a*) he applies to vote as proxy by post and furnishes 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 for an elector 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.

(6) In relation to service voters and their proxies, subsections (4) to (6) of section fourteen and subsections (4), (5), (6) and (8) of section fifteen of this Act shall apply for the purposes of local government elections as they apply for the purposes of parliamentary elections.

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Conduct of local government elections

Conduct of elections of county councillors in England and Wales.

26.—(1) Subject to the provisions of this Act, an election of a county councillor shall be conducted in accordance with the local elections rules in the Second Schedule to this Act.

(2) The county council shall appoint a person to be the county returning officer, and if at an election of a county councillor the office of county returning officer is vacant, or the county returning officer is for any reason unable to act, the chairman of the county council shall forthwith appoint another person to be the county returning officer for that election.

(3) Save as provided by subsection (4) of this section, the county returning officer shall be the returning officer for an election of a county councillor and may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.

(4) At an election of a county councillor for an electoral division which is co-extensive with or wholly comprised in a borough, other than a metropolitan borough, the mayor of the borough or some person appointed by him shall be the returning officer, or if the office of mayor is vacant, or the mayor is for any reason unable to act and has failed to appoint a person in his place, the deputy mayor or if there is no deputy mayor or the deputy mayor is for any reason unable to act, such alderman of the borough as the council of the borough may choose for that purpose, shall be the returning officer.

(5) A mayor or other person acting as returning officer under the provisions of this section shall, as respects the election for which he is so acting, follow the instructions of the county returning officer.

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

(7) Before a poll is taken at an election of a county councillor, the county council shall, at the request of the returning officer or of any person acting as returning officer, advance to him such sum, not exceeding ten pounds for every thousand electors at the election, as he may require.

(8) This section shall not apply in Scotland.

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Conduct of elections of borough councillors in England and Wales.

27.—(1) Subject to the provisions of this Act, an election of councillors of a borough shall be conducted in accordance with the local elections rules in the Second Schedule to this Act.

(2) At an election of councillors for a borough not divided into wards the mayor shall be the returning officer:

Provided that, if the office of mayor is vacant, or for any reason the mayor is unable to act, the deputy mayor, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, such alderman of the borough as the council may choose for that purpose shall be the returning officer.

(3) At an election of councillors for a ward of a borough an alderman of the borough assigned for that purpose by the council at the annual meeting shall be the returning officer, but if the number of aldermen in office at that time is less than the number of wards, then there shall be assigned to the ward or each of the wards for which no alderman is available a councillor, not being a councillor or local government elector for the ward, and he shall be the returning officer:

Provided that, if the alderman or councillor so assigned dies, or is for any reason unable to act, the mayor may appoint another alderman, or if the number of aldermen able to act is less than the number of wards, a councillor, not being a councillor or local government elector for that ward, to be the returning officer.

(4) Where a borough is divided into wards, the returning officer at the first election for each ward held after the division shall, notwithstanding anything in this section, be the mayor or a person appointed by the mayor.

(5) All expenditure properly incurred by the mayor, returning officer or town clerk in relation to the holding of an election of councillors of a borough shall be paid by the council of the borough.

(6) This section shall not apply in Scotland or to an election of metropolitan borough councillors.

Conduct of elections of metropolitan borough councillors.

28.—(1) Subject to the provisions of this Act, an election of metropolitan borough councillors shall be conducted in accordance with the local elections rules in the Second Schedule to this Act.

(2) At an election of metropolitan borough councillors, the town clerk of the borough shall be the returning officer and may, by writing under his hand, appoint a fit person to be his deputy for all or any of the purposes of an election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.

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(3) All expenditure properly incurred by a returning officer in relation to the holding of an election of metropolitan borough councillors shall, in so far as it does not, in cases where the scale fixed for the purposes of this section by the London county council is applicable, exceed that scale, be paid by the metropolitan borough council.

(4) Before a poll is taken at an election of metropolitan borough councillors, the borough council shall, at the request of the returning officer, or any person acting as returning officer, advance to him such sum, not exceeding ten pounds for every thousand electors at the election, as he may require.

Conduct of district and parish elections in England and Wales.

29.—(1) Subject to the provisions of this Act, an election of district or parish councillors shall be conducted in accordance with rules made by the Secretary of State, which shall provide among other things—

(*a*) for the appointment of a returning officer for the election;

(*b*) for fixing or enabling the county council to fix the hours during which the poll is to be kept open;

(*c*) for the polls at elections of rural district councillors and of parish councillors, being, so far as practicable, taken together where the elections are held on the same date and for the same area.

Rules under this subsection are hereinafter referred to as district election rules or parish election rules, as the case may be.

(2) At every election regulated by district or parish election rules the poll shall be taken by ballot, and section fifty-three of this Act and the local elections rules in the Second Schedule to this Act shall, subject to such adaptations, alterations and exceptions as may be made by district or parish election rules, apply in like manner as in the case of an election of councillors of a borough other than a metropolitan borough:

Provided that the provisions of this subsection shall be without prejudice to the requirement of subsection (6) of section sixty-seven of the Local Government Act, 1933, that a casual vacancy among parish councillors shall be filled by the parish council.

(3) Notwithstanding anything in the foregoing provisions of this section, nothing in rules made under this section shall affect or enable the county council to affect the hour at which under the local elections rules the poll is to close.

(4) Except in so far as provision is otherwise made by district or parish election rules in cases where the polls at elections of

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rural district councillors and parish councillors are taken together,—

(*a*) the district council shall pay all expenses properly incurred in relation to the holding of an election of district councillors; and

(*b*) the parish council shall pay all expenses properly incurred in relation to the holding of an election of parish councillors,

in either case not exceeding such scale as may be fixed by the county council, so far as the scale is applicable.

(5) District and parish election rules shall be made by statutory instrument and any such instrument shall be subject to annulment by resolution of either House of Parliament.

(6) This section shall not apply in Scotland.

Conduct of elections of county councillors in Scotland.

30.—(1) Subject to the provisions of this Act, an election of a county councillor for an electoral division in Scotland shall be conducted in accordance with the local elections rules in the Third Schedule to this Act, and in those rules and in this section references to county councillors shall be construed as references to county councillors for the landward area of a county.

(2) The county council shall appoint a person to be the returning officer for the purposes of each election of county councillors, and if the person so appointed dies, resigns or is for any other reason unable to act, the Secretary of State may appoint another person to be the returning officer at that election.

(3) The returning officer may by writing under his hand appoint one or more fit persons to be his depute or deputes for all or any of the purposes of the election and anything required or authorised to be done by, to or before the returning officer in relation to the election may, so far as the depute is authorised to act, be done by, to or before any depute so appointed and any reference in this Act to a returning officer shall, where a depute returning officer is acting for the returning officer under this subsection, include a reference to the depute returning officer.

(4) All expenses properly incurred by the returning officer or the county clerk in relation to the holding of an election of county councillors, not exceeding such scale as the county council may fix and as may be applicable, shall be paid (so far as not otherwise provided by law) by the county council and defrayed as part of the general expenses of the council relating exclusively to the landward area of the county.

(5) Before a poll is taken at any such election the county council shall at the request of the returning officer advance to him such sum not exceeding ten pounds for every thousand electors at the election as he may require.

(6) This section shall apply only in Scotland.

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Conduct of elections of town councillors in Scotland.

31.—(1) Subject to the provisions of this Act, the election of town councillors of a burgh shall be conducted in accordance with the local elections rules in the Third Schedule to this Act.

(2) At an election of town councillors of a burgh, the provost shall be the returning officer, but if the office of provost is at the time vacant or if the provost is one of the councillors falling to retire at the election or his term of office expires or he resigns office as at the date of the election or he is incapacitated from acting by illness, absence or other cause or he declines or fails to act, the acting chief magistrate (as defined by section thirty-two of the Local Government (Scotland) Act, 1947) shall be the returning officer, and if the provost and all the bailies fall to retire at the election, or are prevented from acting or fail to act as returning officer for any of the reasons aforesaid, the town clerk or any fit person appointed by him shall act as returning officer.

(3) The returning officer may by writing under his hand appoint one or more fit persons to be his depute or deputes for all or any of the purposes of the election and anything required or authorised to be done by, to or before the returning officer in relation to the election may, so far as the depute is authorised to act, be done by, to or before any depute so appointed and any reference in this Act to a returning officer shall, where a depute returning officer is acting for the returning officer under this subsection, include a reference to the depute returning officer.

(4) All expenses properly incurred by the returning officer or the town clerk in relation to the holding of an election of town councillors of a burgh shall be paid by the town council and shall be defrayed out of the common good of the burgh or as part of the general expenses of the council, or partly in the one way or partly in the other, as the council determine.

(5) This section shall apply only in Scotland.

Conduct of elections of district councillors in Scotland.

32.—(1) Subject to the provisions of this Act, the local elections rules in the Third Schedule to this Act shall apply to an election of elected district councillors in Scotland as they apply to an election of county councillors, but subject to such modifications and adaptations as the circumstances shall require.

References in the said Schedule to district councillors shall be construed as references to elected district councillors.

(2) The county council shall make due provision for an election of elected district councillors in Scotland and may refer to the Secretary of State any question as to the performance of their duties with respect to an election of district councillors under the local elections rules, and the determination of the Secretary of State shall be final.

PART I —*cont.*

(3) In the case of a casual vacancy in the office of an elected district councillor in Scotland, the county council shall, if an election by the electors is ordered, appoint a returning officer for the purposes of the election:

Provided that this subsection shall not apply so far as it is inconsistent with the provisions of a local Act.

(4) The expenses incurred in relation to an election of elected district councillors in Scotland shall be paid by the county council, but the amount as ascertained and apportioned by agreement between the county council and district council concerned or, failing agreement, by the Secretary of State shall be repaid to the county council by the district council and be defrayed by the district council as part of their general expenses.

Voting at local government elections.

33.—(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.

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

Notices as to elections.

34. In England and Wales, any notice required to be given in connection with a local government election may relate to more than one electoral area, and, in cases where the polls at elections of rural district councillors and parish councillors are held together, to both elections.

Loan of equipment for local government elections.

35.—(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 a local authority within the meaning of the Local Government Act, 1933, shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under that Act on such terms and conditions as may be agreed.

(3) Any ballot boxes, fittings and compartments provided by or belonging to any authority shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under the London Government Act, 1939, on such terms and conditions as may be agreed.

PART I —*cont.*

(4) Any ballot boxes, fittings and compartments provided by or belonging to a local authority within the meaning of the Local Government (Scotland) Act, 1947, shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under that Act on such terms and conditions as may be agreed.

Special cases.

36.—(1) An election in England or Wales to fill a casual vacancy in the office of a county councillor, councillor of a borough or district councillor and an election by local government electors in Scotland ordered to be held for the purpose of filling a casual vacancy shall be conducted in the same manner as an ordinary election or, in the case of an election in England or Wales of a district councillor, in the manner prescribed by the district election rules:

Provided that as respects an election in Scotland—

(*a*) the provisions of this Part of this Act with respect to an ordinary election shall apply subject to any necessary modifications and to the substitution for the dates set out in Part I of the local elections rules of such dates as the returning officer shall fix; and

(*b*) such of the foregoing provisions of this subsection as are inconsistent with the provisions of a local Act shall not apply.

(2) Where a local government election is ordered to be held under section seventy-two of the Local Government Act, 1933, or section forty-seven of the London Government Act, 1939, or section sixty-three of the Local Government (Scotland) Act, 1947 (which provide for the holding of an election after countermanding a poll and in other special cases) the provisions of this Act relating to the notice to be given of an election and the manner in which an election is to be conducted shall 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:

Provided that—

(*a*) no fresh nomination shall be necessary in the case of a candidate who remained validly nominated for the election which has not been duly held or has failed or become void, and

(*b*) in Scotland the said provisions of this Act shall have effect subject to any necessary modifications and adaptations and the returning officer may fix any dates in substitution for the dates set forth in Part I of the local elections rules.

(3) Where in Scotland a local government election is ordered by the Secretary of State to be held under section sixty-four of the said Act of 1947 (which deals with failures of elections),

PART I —*cont.*

the provisions of this Act with respect to the holding of elections shall apply with the substitution of such dates as the Secretary of State may fix for the dates set forth in Part I of the local elections rules and subject to such other modifications and adaptations as may be specified in the order.

(4) An order made by a county council under section fifty-five of the Local Government Act, 1933 (which deals with omissions to hold parish elections) with respect to an election of parish councillors may modify the provisions of this Act and of any parish election rules so far as may appear to the county council necessary or expedient for carrying the order into effect.

Validity of local government elections.

37.—(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 the local elections rules if it appears to the tribunal having cognizance of the question that the election was so conducted as to be substantially in accordance with the law as to elections and that the act or omission did not affect its result.

(2) A local government election, unless questioned by 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) A local government election shall not be 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.

(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.

Costs of legal proceedings.

38. All costs properly incurred by a returning officer or, in Scotland, by the county clerk or town clerk, in the institution of legal proceedings arising out of a local government election shall be deemed to form part of the expenses properly incurred by him in relation to the holding of the election.

Supplemental provisions as to parliamentary and local government elections

Effect of registers, etc.

39.—(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 therein 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;

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(*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 therein is registered as a service voter.

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

(*a*) whether a person registered therein is so registered as a resident or as a non-resident, and whether or not on the qualifying date he was resident at the address shown or had a non-resident qualification in respect of that address, as the case may be;

(*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 therein as a resident is registered as a service voter;

(*d*) in the case of a person registered at more than one address in the same local government area, at which of those addresses he is registered as a local government elector for that area.

(3) The relevant special lists prepared under this Act for a parliamentary or local government election shall, for the purposes of this Part of this Act, 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) 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 that he is not a British subject or citizen of the Republic of Ireland or is not of full age or 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, he was not a British subject or citizen of the Republic of Ireland or was not of full age or 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.

(5) No misnomer or inaccurate description of any person or place named in the register of parliamentary electors or in the register of local government electors or in any list, record,

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proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Part of this Act shall affect 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.

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

(*a*) the names and description 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 clerk of the authority of each local government area in England and Wales and each assessor charged with the duty of making up the register of local government electors in Scotland shall in each year make out a corrupt and illegal practices list containing—

(*a*) the names and description 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.

Discharge of registration duties.

41.—(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) Except in Scotland, 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, and the provisions of this Act shall 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) A registration officer in England or Wales whose appointment was made by an order of the Secretary of State shall comply with any conditions made by the order as to the appointment of deputies for any part of the constituency.

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(4) 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—

(*a*) in England or Wales, by or with respect to the standing or temporary deputy acting as clerk of the authority under section one hundred and fifteen or one hundred and sixteen of the Local Government Act, 1933, or under section eighty-two or eighty-three of the London Government Act, 1939, or, in the case of the secondary of the City of London, by or with respect to any person temporarily appointed in that behalf by the Lord Mayor; and

(*b*) in Northern Ireland, by or with respect to the person appointed to take his place as registration officer for the purpose of elections of members to serve in the House of Commons of Northern Ireland.

(5) In England or Wales, a county council (other than the London county council), a borough council or a district council may assign officers to assist the clerk of the council, or town clerk, as the case may be, 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, and in Northern Ireland a county, county borough or county district council shall, in relation to the registration of electors, have the like power.

(6) If the Secretary of State is of opinion, as respects any constituency in Northern Ireland which is not wholly within one registration area, that any power or duty of the registration officer ought to be exercised or performed by an officer acting for the whole of the constituency, he may by order direct that that power or duty shall be exercised or performed as respects the whole constituency by the registration officer for such one of the registration areas in which part of the constituency is included as may be specified in the order.

Power to make regulations as to registration, etc.

42.—(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 aforesaid, and with respect to the time, place and manner of their publication; and

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(*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) The said incidental matters shall be taken to include the time and manner of preparation and publication and form of, and the making and determination of claims or objections with respect to, the corrupt and illegal practices lists.

(3) Without prejudice to the generality of the foregoing subsections, regulations made with respect to the matters therein mentioned may contain any such provisions as are mentioned in the Fourth Schedule to this Act.

Payment of expenses of registration.

43.—(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 whose clerk is registration officer, and there shall be paid to the local authority—

(*a*) out of moneys provided by Parliament one half of the amount of the registration expenses paid by the authority; and

(*b*) where the registration officer acts for an area outside the area of the authority such contributions by any other local authority as the Secretary of State may direct.

(2) The registration expenses of a registration officer in 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 that officer in respect of his registration expenses, shall be accounted for by that officer and paid to the local authority whose clerk he is, and any sums receivable by a local authority under this subsection shall be accounted for by that authority to the Treasury and, as to one half thereof, be paid into the Exchequer of the United Kingdom:

Provided that, in the case of a registration officer in Northern Ireland, the whole amount shall be accounted for by that officer to the Treasury and paid into the Exchequer of the United Kingdom.

(4) Any expenses properly incurred by the clerk of the authority of any county borough, metropolitan borough or county district in pursuance of the requisition of a registration officer requiring him to perform any of the functions of that registration officer or to furnish him with information shall be paid by the registration officer as part of his registration expenses.

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(5) On the request of a registration officer for an advance on account of registration expenses, the local authority whose clerk is registration officer or, in the case of a registration officer in Northern Ireland, the Treasury may, if they think fit, make such an advance to him of such an amount and subject to such conditions as they may approve.

(6) Any registration expenses or contribution thereto paid by a county council in England or Wales shall, if the case requires, be paid as expenses for special county purposes.

(7) Any registration expenses or contributions thereto paid by the common council of the City of London 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.

(8) In the application of this section to Scotland, for any reference to the local authority whose clerk is registration officer there shall be substituted a reference to the council of the county or burgh the assessor of which is registration officer.

Ascertainment of amount of registration expenses.

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

(*a*) shall 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*) shall 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 foregoing subsection shall apply in relation to the expenses payable by a registration officer to the clerk of the authority of a county borough, metropolitan borough or county district acting in pursuance of a requisition of that registration officer, as it applies in relation to the registration expenses payable to a registration officer.

(3) The Treasury 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 they think 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

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(*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 Treasury, and (except in Northern Ireland) that of the local authority, is specially given for the excess.

(4) Nothing in paragraph (*a*) of the last foregoing subsection 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.

(5) 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 thereon shall be final.

(6) The Treasury may make with the appropriate department of the government of Northern Ireland arrangements for determining what part of any expenses incurred in connection with the registration of electors or voting by post or proxy in Northern Ireland is to be attributed respectively to this Act and to the law of Northern Ireland, in cases where any document used or thing done has effect for the purposes of both, and the arrangements may make provision—

(*a*) for making any scale of registration expenses framed for the purposes of either applicable to expenses incurred wholly or partly for the purposes of the other, being expenses which cannot readily be kept separate from other expenses to which the scale applies;

(*b*) for the apportionment in such manner as may be agreed of any such expenses; and

(*c*) as to the manner in which any such expenses are to be paid in the first instance;

and in the application of this section to Northern Ireland paragraph (*b*) of subsection (1) shall not apply.

Registration appeals.

45.—(1) An appeal shall lie 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

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the register a mark indicating that the person registered is, or is not, registered as a service voter or as a non-resident or is, or is not, entitled to vote for a particular local government area:

Provided that an appeal shall 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 shall lie 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) Where a county court judge appoints a person to act as his deputy, and the Lord Chancellor on the representation of the judge is satisfied that the judge would otherwise have been unable, owing to the necessity of dealing with appeals under this section, to transact the business of his court with proper despatch, there shall be paid to the deputy out of moneys provided by Parliament such remuneration as the Lord Chancellor, with the approval of the Treasury, thinks fit to allow.

(7) This section shall apply 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) but as if a reference to that list were included in the reference to the electors lists and with any other prescribed modifications.

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(8) This section shall apply to Scotland subject to the following modifications:—

(*a*) subsections (2) and (6) shall be omitted;

(*b*) an appeal shall lie on any point of law from any decision of the sheriff under this section to the court of three judges constituted under the next following subsection; and

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

(9) The court for hearing appeals under paragraph (*b*) of the last foregoing subsection 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.

(10) 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.

(11) Subsections (2), (4) and (6) of this section shall not apply in Northern Ireland, but—

(*a*) any decision of a county court upon a point of law under subsection (1) of this section 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 House of Commons of Northern Ireland, and the reference in subsection (3) of this section to the Court of Appeal shall be construed accordingly; and

(*b*) any provision of the said law relating to the appointment of assistants to judges of county courts by reason of pressure of business due to appeals thereunder, and any power to make rules of court with respect to those appeals, shall apply to appeals under this section.

Supplemental provisions as to members of the forces and service voters.

46.—(1) For the purposes of this Part of this Act, the expression " member of the forces " 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:

Provided that the expression shall 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.

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(2) The reference in the foregoing subsection to the naval, military or air forces of the Crown shall include any women's force administered by the Admiralty, Army Council or Air Council.

(3) Where a person is not a member of the forces as defined by the foregoing provisions of this section but is, in the performance of his duty as a member of any of His Majesty's reserve or auxiliary forces, absent on the qualifying date from an address at which he has been residing, any question arising under subsection (2) of section four of this Act whether his residence at that address has been interrupted on that date by his absence in the performance of that duty shall be determined as if the performance thereof did not prevent his resuming actual residence at any time after that date.

(4) 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 subsection (1) of section ten of this Act 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, in the case of a man, by his wife of any rights conferred on them as aforesaid:

Provided that the arrangements need not extend to members of the forces who are for the time being under the age of twenty-one and will in the ordinary course cease to be members of the forces before attaining that age.

(5) In the last foregoing subsection the expression " the appropriate government department " means, in relation to members of the forces, the Admiralty, Army Council or Air Council, as the case requires, and in relation to any other person means the government department under which he is employed in the employment giving the service qualification.

Offences

Personation.

47.—(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.

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(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.

(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.

48.—(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:

Provided that a person shall not be guilty of an offence under paragraph (*b*) of this subsection by reason only of his applying as a service voter, while not of full age, for the appointment of a proxy.

(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

PART I —*cont.*

(iii) in any constituency at a general election, or in any electoral area at such an ordinary election as aforesaid, 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 as an absent voter;

(*c*) he votes as elector in person at a parliamentary or local government election for which he is registered as a service voter, knowing that a person appointed to vote as his proxy at the election either has already voted in person thereat or is entitled to vote by post thereat; 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 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

(*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 has already voted in person thereat or is entitled to vote by post thereat.

(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 in that other person under the foregoing subsections of this section.

PART I —*cont.*

(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:

Provided that for the purpose of determining whether an application for a ballot paper constitutes an offence under subsection (4) of this section, 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:

Provided that—

(*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 one hundred and fifty-one of this Act; 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).

Offences in connection with service declarations.

49.—(1) Any person who—

(*a*) makes a service declaration—

(i) when he is not authorised so to do by subsection (2) of section ten of this Act; 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 service declaration when he knows that he is not authorised to do so or that it contains a false statement as to any particulars required by regulations under the said section ten;

shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both, or on conviction on indictment to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

(2) Where the declaration is available only for local government elections the reference in the foregoing subsection to a legal incapacity to vote shall refer to a legal incapacity to vote at local government elections.

PART I —*cont.*

Breaches of official duty in connection with parliamentary elections.

50.—(1) If any 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) of this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(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 section fifty-two, section fifty-three or subsection (1) of section eighty-six of this Act, nor shall any action for damages lie in respect of the breach by any such person of his official duty.

(3) The persons to whom this section applies are the Clerk of the Crown, any sheriff clerk, any registration officer, returning officer, presiding officer or clerk or assistant employed by such an officer, in connection with his official duties and 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.

In this subsection in its application to Northern Ireland the reference to the Clerk of the Crown shall be taken as a reference to the Clerk of the Crown for Northern Ireland.

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

Breaches of official duty in connection with local government elections.

51.—(1) If any 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 one hundred pounds.

(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 any such person of his official duty.

(3) The persons 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 subsection (2) of section forty of this Act or clerk or assistant employed by him in connection with his official duties;

PART I —*cont.*

(*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.

52.—(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 or, in the case of an election of town councillors, to the town clerk, 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 proposer or as a solicitor on behalf of a candidate, knowing any of the statements contained therein to be false; or

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

PART I —*cont.*

(3) A person guilty of an offence under this section at a parliamentary election shall be guilty of a misdemeanour and 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 of or receipt of postal ballot papers, to imprisonment for a term not exceeding two years;

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

(4) If, at a local government election in England or Wales, a person is guilty of any offence specified in paragraph (*a*) of subsection (1) of this section, or of any attempt to commit such offence, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds, or to both.

(5) A person guilty of an offence under this section at a local government election (other than an offence punishable under the last foregoing subsection) 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 two years;

(*b*) if he is any other person, be liable, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds or in Scotland fifty pounds, or to both.

Requirement of secrecy.

53.—(1) The following persons, that is to say—

(*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.

PART I —*cont.*

(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 whosoever 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.

(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.

PART I —*cont.*

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

Provisions in Part I applying to other local elections

Provisions in Part I applying to other local elections.

54. Sections thirty-seven and fifty-one of this Act shall have effect as if any reference therein to a local government election included a reference to any other election under the local government Act.

PART II

THE ELECTION CAMPAIGN

The Election Agent

Appointment of election agent.

55.—(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 thereupon 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) 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.

(6) 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 in England or Wales, the clerk of the authority for which the election is held;

(*c*) in relation to a local government election in Scotland, such officer as may be prescribed by the Court of Session by Act of Sederunt.

PART II —*cont.*

Nomination of sub-agent at parliamentary elections.

56.—(1) In the case of a parliamentary election for a county constituency an election agent of a candidate may appoint one deputy election agent (in this Act referred to as a sub-agent) to act within each polling district and no more.

(2) As regards matters in a polling district the election agent may act by the sub-agent for that district, and anything done for the purposes of this Act by or to the sub-agent in his district shall be deemed to be done by or to the election agent, and 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 the candidate shall suffer the like incapacity as if the said act or default had been the act or default of the election agent.

(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 shall not be vacated by the election agent who appointed him ceasing to be election agent, but may be revoked by the election agent for the time being of the candidate, 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.

Office of election agent and sub-agent

57.—(1) Every election agent and every sub-agent shall have an office to which all claims, notices, writs, summons and documents may be sent, and the address of the office shall be declared at the same time as the appointment of the agent to the appropriate officer, and shall be stated in the public notice of the name of the agent.

(2) The office of the election agent shall, if for a parliamentary election, be within the constituency and, if for a local government election, within the local government area or in either case within any county of a city or town adjoining to the constituency or area and the office of a sub-agent shall be within his polling district or within any county of a city or town adjoining thereto.

(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 situate.

PART II —*cont.*

Effect of default in appointment of election agent.

58.—(1) If no person's name and address is given as required by section fifty-five of this Act 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 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 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 the 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 at his address as given in the statement as to persons nominated or, if that address is not in the constituency or local government area or in a county of a city or town adjoining thereto, at the qualifying address of the person (or first person) named in that statement as his proposer.

(5) 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 fifty-five and fifty-seven of this Act.

(6) This section shall have effect in its application to a local government election in Scotland as if for subsection (4) there were substituted the following subsection—

> " (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 at his address as given in his nomination paper or papers or if that address is not in the local government area or in a county of a city or town adjoining thereto, 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."

Elections where election agent not required.

59. A candidate at an election in England or Wales of parish councillors, or 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 shall not apply to those elections.

Election expenses

PART II —*cont.*

Making of contracts through election agent.

60.—(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 whereby 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:

Provided that this subsection shall 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.

61.—(1) Except as permitted by the next following section, or in pursuance of section sixty-six or sixty-seven of this Act, no payment and no advance or deposit shall be made by a candidate or by any agent on behalf of the candidate or by any other person at any time in respect of election expenses otherwise than by or through the election agent of the candidate.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than forty shillings, 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) of this section, or pays in contravention of subsection (4) of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

PART II —*cont.*

Personal expenses of candidate and petty expenses.

62.—(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:

Provided that the amount which a candidate at a parliamentary election may pay shall not exceed one hundred pounds, 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 aforesaid by the candidate.

(3) Any person may, if so authorised in writing by the election agent of the candidate, pay any necessary expenses for stationery, postage, telegrams 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 the receipt of that person.

Prohibition of expenses not authorised by election agent.

63.—(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:

Provided that 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

(ii) apply to any expenses not exceeding in the aggregate the sum of ten shillings 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, that person shall within fourteen 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

PART II —*cont.*

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

Provided that this subsection shall 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) of this section in relation to a parliamentary election in England, Wales or Northern Ireland shall be sent to the Clerk of the Crown within fourteen days after the date of publication of the result of the election by the person making the return or declaration, and rule 58 of the parliamentary elections rules shall apply to any documents sent to the Clerk of the Crown under this subsection.

In this subsection references to the Clerk of the Crown shall in relation to an election in Northern Ireland be taken as references to the Clerk of the Crown for Northern Ireland.

(5) If any person incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of this section, or knowingly makes the declaration required by subsection (2) thereof falsely, he shall be guilty of a corrupt practice, and if a person fails to send any declaration or return or a copy thereof as required by this section he shall be guilty of an illegal practice:

Provided that—

(*a*) 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 one hundred and fifty-one of this Act; and

(*b*) 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 unincorporated, 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 that the

PART II —*cont.*

act or omission took place without his consent or connivance and 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.

64.—(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) The said maximum amount is—

(*a*) for a candidate at a parliamentary election in a county constituency in Great Britain, four hundred and fifty pounds together with an additional twopence for each entry in the register of electors to be used at the election;

(*b*) for a candidate at a parliamentary election in a borough constituency in Great Britain, four hundred and fifty pounds together with an additional one penny halfpenny for each such entry as aforesaid;

(*c*) for a candidate at a parliamentary election in any constituency in Northern Ireland, twopence for each such entry as aforesaid;

(*d*) for a candidate at a local government election, twenty-five pounds, and if the number of entries in the register of local government electors to be used at the election exceeds five hundred, an additional twopence for each entry above the first five hundred entries.

(3) 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 the last foregoing subsection to an entry in that register there shall be substituted a reference to an entry in the electors lists therefor as first published which gives the name of a person appearing from those lists to be entitled to be registered.

(4) The said maximum amount for a candidate at a parliamentary election shall not be required to cover the candidate's personal expenses.

(5) The said maximum amount for a candidate at a parliamentary election in Northern Ireland shall not be required to cover (to an amount not exceeding in the case of an election in a county constituency, seventy-five pounds, and, in the case of an election in a borough constituency, fifty pounds) the fee, if any, paid to his election agent.

PART II —*cont.*

Limit where there are joint candidates at a local government election.

65.—(1) Where there are two or more joint candidates at a local government election, the maximum amount mentioned in the last foregoing section shall, for each of those joint candidates, be reduced by one-fourth 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 polling agents, clerks or messengers at the election; or

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

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

those candidates shall for the purposes of this section be deemed to be joint candidates:

Provided that—

(i) the employment and use of the same polling agent, 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 one hundred and forty-five of this Act.

Time for sending in and paying claims.

66.—(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 fourteen 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 twenty-eight days after the said day.

PART II —*cont.*

(3) An election agent who pays a claim in contravention of subsection (1) or makes a payment in contravention of subsection (2) of this section shall be guilty of an illegal practice:

Provided that 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, the election of the candidate shall not be void, nor 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 the county court for leave to pay a claim for any election expenses, although sent in after the said period of fourteen 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:

Provided that 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) of this section.

(6) Except in Scotland, the jurisdiction vested by subsection (4) of this section in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by one of the judges for the time being on the rota for the trial of parliamentary election petitions, 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 the said judges.

The reference in this subsection to rules of court shall not include a reference to rules made before the passing of the Corrupt and Illegal Practices Prevention Act, 1883.

(7) The jurisdiction vested by subsection (4) of this section in a county court may, save 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 shall lie to the High Court from any order of a county court made by virtue of the said subsection (4).

Disputed claims.

67.—(1) If the election agent disputes any claim sent in to him within the period of fourteen days mentioned in the last foregoing section or refuses or fails to pay the claim within the period of twenty-eight 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

PART II —*cont.*

the court shall not be deemed to be in contravention of subsection (1) of section sixty-one of this Act or of subsection (2) of the last foregoing section.

(3) If the defendant in the action admits his liability but disputes the amount of the claim, the said amount shall, unless the court on the application of the plaintiff otherwise directs, be forthwith referred for taxation to the master, official referee, 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), (5), (6) and (7) of the last foregoing section shall apply in relation to a disputed claim as they apply in relation to a claim for election expenses sent in after the said period of fourteen days.

Claim by election agent.

68. So far as circumstances admit, this Act shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting 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.

69.—(1) Within thirty-five 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 the Fifth Schedule 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 therein—

(*a*) as respects which a return is required to be made under subsection (2) of section sixty-three of this Act; 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.

PART II —*cont.*

(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 subsection (4) of section sixty-six of this Act for any claims to be paid, the candidate or his election agent shall, within seven days after the payment thereof, 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 seventy-four of this Act.

Declarations as to election expenses.

70.—(1) The return transmitted under subsection (1) of the last foregoing section shall be accompanied by a declaration made by the election agent before a justice of the peace in the form in the Fifth Schedule to this Act.

(2) At the same time that the election agent transmits the said return, or within seven days afterwards, the candidate shall transmit or cause to be transmitted to the appropriate officer a declaration made by him before a justice of the peace in the form in the said Schedule:

Provided that where the candidate is out of the United Kingdom when the return is so transmitted, the declaration required by this subsection may be made by him within fourteen days after his return to the United Kingdom, and in that case shall be forthwith transmitted to the appropriate officer, but the delay hereby authorised in making the declaration shall not exonerate the election agent from complying with the provisions of this Act as to the return and declaration as to election expenses.

(3) 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 the said Schedule.

(4) If a candidate or election agent knowingly makes the declaration required by this section falsely, he shall be guilty of a corrupt practice.

Cases at parliamentary elections where return and declarations are not needed.

71. Notwithstanding anything in the last two foregoing sections, 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.

PART II —*cont.*

Punishment for failure as respects return or declarations.

72. Subject to the provisions of section seventy-four of this Act, if a candidate or election agent fails to comply with the requirements of section sixty-nine or seventy of this Act he shall be guilty of an illegal practice.

Penalty for sitting or voting after failure to transmit return and declarations.

73.—(1) If, in the case of any candidate, the return and declarations as to election expenses are not transmitted before the expiration of the time limited for the purpose, that candidate shall not, after the expiration of that time, sit or vote in the House of Commons as member for the constituency for which the election was held until either the said return and declarations have been transmitted or until the date of the allowance of an authorised excuse for the failure to transmit the said return and declarations, and if he sits or votes in contravention of this subsection he shall forfeit one hundred pounds for every day on which he so sits or votes.

(2) In the application of the foregoing subsection 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*) fifty pounds shall be substituted for one hundred pounds and, instead of civil proceedings for a penalty, summary proceedings may be instituted in a court of summary jurisdiction or, in Scotland, in the sheriff court, and the person charged 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.

(3) A proceeding for an offence under this section shall be commenced within one year after the offence was committed, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within one year after the offence was committed, or within three months after the report of the commissioners is made, whichever period last expires, so that it be commenced within two years after the offence was committed ; and the time so limited by this subsection shall, in the case of any proceeding under the Summary Jurisdiction Acts, be substituted for any limitation of time contained in those Acts.

For the purposes of this subsection, 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 aforesaid the service

PART II —*cont.*

or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

This subsection shall not apply to Scotland.

Authorised excuses for failures as respects return and declarations.

74.—(1) A candidate or his election agent may apply for relief under this section to the High Court, an election court or the county court:

Provided that in the case of a local government election in Scotland the reference in this subsection to the High Court shall be omitted.

(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 therein; 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 therein.

(3) The application for relief may be made on the ground that the failure, error or false statement arose—

(*a*) by reason of the illness of the applicant; 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 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 part of the applicant.

(4) The court may, after such notice of the application in the constituency or local government area, as the case may be, and on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as to the court seems fit, make such order for allowing an authorised excuse for the failure, error or false statement as to the court seems just.

(5) Where it is proved to the court by the candidate that any act or omission of the election agent in relation to the return and declarations was without the sanction or connivance of the

PART II —*cont.*

candidate, and 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) of this section 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) of this section 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 one of the judges for the time being on the rota for the trial of parliamentary election petitions, sitting either in court or at chambers, but shall not be exercisable by a master.

The reference in this subsection to rules of court shall not include a reference to rules made before the passing of the Corrupt and Illegal Practices Prevention Act, 1883.

(10) The jurisdiction vested by this section in a county court may, save 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 shall lie to the High Court from any order of a county court made by virtue of this section.

Power of court to require information from election agent or sub-agent.

75.—(1) Where on an application under the last foregoing section 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 the said 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 to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seems just, within such time, to such person and in such manner as the court may direct, or may order him to be examined with respect to the particulars.

PART II —*cont.*

(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 five hundred pounds.

Publication of summary of return at parliamentary elections.

76. At a parliamentary election the returning officer shall, within ten days after he receives from the election agent of a candidate a return as to election expenses, publish a summary of the return in not less than two newspapers circulating in the constituency for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected.

Inspection of returns and declarations.

77.—(1) Any returns or declarations (including the accompanying documents) sent to the appropriate officer under sections sixty-three, sixty-nine or seventy of this Act shall be kept at the office of the appropriate officer or some convenient place appointed by him and shall at all reasonable times during two years next after they are received by him be open to inspection by any person on payment of a fee of one shilling, and the appropriate officer shall on demand furnish copies thereof or any part thereof at the price of twopence for every seventy-two words.

(2) After the expiration of the said two years the appropriate officer may cause the said returns and declarations (including the accompanying documents) to be destroyed or if the candidate or his election agent so require, shall return them to the candidate:

Provided that any returns or declarations sent under section sixty-three of this Act 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.

78.—(1) In relation to an election of parish councillors in England or Wales—

(*a*) subsection (1) of section sixty-four of this Act shall have effect as if for the references to an election agent there were substituted references to any agent of the candidate;

(*b*) sections sixty to sixty-three and sixty-six to seventy-seven of this Act shall not apply, and in lieu thereof the provisions of the Sixth Schedule to this Act shall have effect so, however, that the form of declaration as to election expenses shall be that prescribed by parish election rules, or to the like effect.

(2) At an election under the local government Act which is not a local government election, sections sixty to seventy-seven of this Act shall 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.

Propaganda at parliamentary elections

PART II —*cont.*

Candidate's right to send election address post free.

79.—(1) A candidate at a parliamentary election shall, subject to regulations of the Postmaster General, be 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 two ounces in weight.

(2) He shall also, subject as aforesaid, be 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 aforesaid 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 Postmaster General for the payment of postage should he not be shown as standing nominated as aforesaid.

(4) For the purposes of this section, the expression " elector " means a person who is registered as a parliamentary elector in the constituency in the register to be used at the election or who, pending the publication of that register, appears in the electors lists therefor as corrected by the registration officer to be entitled to be so registered.

Use of wireless stations abroad.

80.—(1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary election, use, or aid, abet, counsel or procure the use of, any wireless transmitting station outside the United Kingdom for the transmission of any matter having reference to the election otherwise than in pursuance of arrangements made with the British Broadcasting Corporation for it to be received and re-transmitted by that Corporation.

(2) An offence under this section shall be an illegal practice:

Provided that 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 one hundred and fifty-one of this Act.

(3) Where any act or omission of an association or body of persons, corporate or unincorporated, is an illegal practice under 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 that the act or omission took place without his

PART II —*cont.*

consent or connivance and 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.

Imitation poll cards.

81. 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 the last foregoing section shall apply as if an offence under this section were an offence under that section.

Election meetings

Right to use certain schools and halls for meetings at parliamentary elections.

82.—(1) Subject to the provisions of this section, a candidate at a parliamentary election shall be 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 any 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, 1946;

but a candidate shall not be 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 meeting and restoring the room to its usual condition after the meeting; and

PART II —*cont.*

(*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 shall not be entitled to exercise the rights conferred by this section except on reasonable notice; and this section shall 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 the Seventh Schedule to this Act shall 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) thereof), 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 shall not apply to Northern Ireland.

Right to use certain schools and rooms for meetings at local government elections.

83.—(1) Subject to the provisions of this section, a candidate at a local government election shall be entitled for the purpose of holding public meetings in furtherance of his candidature to use free of charge, at all reasonable times, during the period commencing on the day on which the notice of election is given, and ending on the day preceding the day of election,—

(*a*) in England or Wales, any suitable room in the premises of a county or voluntary school situated in the electoral area for which he is a candidate, or, except in London, in a parish in part comprised in that electoral area;

(*b*) in Scotland, any suitable room in the premises of any school (not being an independent school within the meaning of the Education (Scotland) Act, 1946) 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 a district council.

(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

PART II —*cont.*

incurred by the persons having control over the room or any damage done to the school premises or to the furniture, fittings or apparatus therein.

(3) A candidate shall not be entitled to exercise rights conferred by this section except on reasonable notice; and this section shall 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 Minister of Education 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 district council, by that council.

Disturbances at election meetings.

84.—(1) Any 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 any constable reasonably suspects any person of committing an offence under subsection (1) of this section, 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 forty shillings, and if he refuses or fails so to declare his name and address or if the constable reasonably suspects him of giving a false name and address, the constable may without warrant arrest him.

This subsection shall not apply in Northern Ireland.

Effect on rateability of premises of holding election meeting.

85. 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 shall not render any person liable to be rated or to pay any rate for the premises.

Officials acting for candidates

PART II —*cont.*

Officials at elections not to act for candidates.

86.—(1) If any returning officer at a parliamentary or local government election or any officer or clerk appointed under the parliamentary or local elections rules, as the case may be, or any partner or clerk of any such person acts as an agent of a candidate in the conduct or management of the election, he shall be guilty of a misdemeanour:

Provided that nothing in this subsection shall be taken as preventing a candidate from acting as his own election agent.

(2) The foregoing subsection shall not apply in relation to a parliamentary election in Scotland and an offence under that subsection in relation to a local government election in Scotland shall not be tried on indictment but shall be punishable on summary conviction by a fine not exceeding fifty pounds.

(3) In Scotland a sheriff or salaried sheriff substitute acting directly or indirectly as an agent for any candidate in any matter connected with or preparatory to any election occurring within his jurisdiction, shall be guilty of misbehaviour within the meaning of section thirteen of the Sheriff Courts (Scotland) Act, 1907.

(4) In Scotland no sheriff clerk, town clerk or town clerk depute shall, directly or indirectly, act as an agent for any candidate in any matter connected with or preparatory to any election for a constituency the whole or any part of which is in the county or burgh for which he is sheriff clerk, town clerk or town clerk depute, as the case may be.

Penalty for illegal canvassing by police officers.

87.—(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, at any parliamentary election for a constituency wholly or partly within the police area, or at any local government election for any electoral area wholly or partly within the police area, and a person acting in contravention of this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds:

Provided that nothing in this 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.

(2) Where an offence under this section is committed by a member of a police force appointed for any county under the County Police Act, 1839, the County Police Act, 1840, or the County and Borough Police Act, 1856, in reference to an election of a councillor of a borough within the county or in which that person has authority, or does anything in reference to any election to a municipal office in such a borough which would be

PART II —*cont.*

an offence if the election were to the office of borough councillor, he shall forfeit the sum of ten pounds, to be recovered in any court of competent jurisdiction by any person who shall sue for the same within six months after the commission of the offence; and one half of the sum recovered shall be paid to the person suing for the same and the other half to the treasurer of the county, to be by him applied for the purposes of the police of the county.

(3) In the foregoing provisions of this section references to a member of a police force and to a police area are to be taken—

(*a*) in relation to England, Wales and Scotland, as references to a member of a police force and to a police area within the meaning of the Police Pensions Act, 1921; and

(*b*) 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

Use of motor vehicles at parliamentary elections.

88.—(1) Subject to the provisions of this section, a person shall not with a view to supporting or opposing the candidature of any individual as against any other or others at a parliamentary election, either let, lend or employ, or hire, borrow or use, any motor vehicle for the purpose of the conveyance of electors or their proxies to or from the poll, and a person knowingly acting in contravention of this subsection shall be guilty of an illegal practice:

Provided that—

(*a*) 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 one hundred and fifty-one of this Act; and

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

(2) Where it is shown—

(*a*) that a motor vehicle was employed for the purpose aforesaid; and

(*b*) that at the time when it was so employed there was to the knowledge of any person employing or using it for that purpose displayed on it or on a trailer drawn by it any placard, colours or other thing indicating a preference for or against any candidate at the election,

PART II —*cont.*

it shall be presumed until the contrary is shown that the person was so employing or using it with a view to supporting or opposing the candidature of some individual as against some other or others.

(3) Nothing in this section shall—

(*a*) prevent any person employing a motor vehicle for the purpose of conveying to or from the poll himself or any member of the same household, or borrowing a motor vehicle from a member of the same household to be employed for that purpose; or

(*b*) prevent a candidate at an election or some person on his behalf employing a motor vehicle for the purpose of conveying any person to or from the poll, if the conditions hereafter mentioned in this section are complied with, or borrowing a motor vehicle to be employed for that purpose from any person; or

(*c*) prevent a person lending or using a motor vehicle in a case in which it is lawfully borrowed or employed by virtue of the foregoing provisions of this subsection.

(4) The conditions under which a motor vehicle may be employed under paragraph (*b*) of the last foregoing subsection by or on behalf of a candidate are the following:—

(*a*) the motor vehicle shall be registered in the prescribed manner with the returning officer, and there shall be prominently displayed thereon a placard indicating that it is so registered;

(*b*) the number of motor vehicles so employed shall not exceed in a county constituency one for every fifteen hundred electors or in a borough constituency one for every twenty-five hundred electors.

(5) Regulations made with respect to the registration of motor vehicles with the returning officer under this section may make provision as to the retention, destruction and inspection of the register and the right to take or receive copies thereof, and as to the fees (if any) payable for the exercise of any right under the regulations.

(6) For the purposes of this section—

(*a*) the expression "motor vehicle" means any mechanically propelled vehicle constructed or adapted for use on roads;

(*b*) the expression "member of the same household" includes a visitor spending the night before or after the day of the poll in the same dwelling house and a person employed by a member of the household at the dwelling house unless so employed exclusively for the purpose of that member's trade, profession or business; and

PART II —*cont.*

(*c*) the number of electors shall be taken to be the same as the number of entries in the register or electors lists by reference to which the maximum amount of the candidate's election expenses is determined, any residual fraction of fifteen hundred or, in a borough constituency, twenty-five hundred being treated as a complete fifteen or twenty-five hundred, as the case may be.

Restrictions on conveyance of voters.

89.—(1) A person shall not let, lend or employ for the purpose of the conveyance of electors or their proxies to or from the poll at an election, any public stage or hackney carriage or any carriage kept or used for the purpose of letting out for hiring, and if he lets, lends or employs any such carriage, knowing that it is intended to be used for the purpose of the conveyance of electors or their proxies to or from the poll, 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 carriage which he knows the owner thereof is prohibited by this section to let, lend or employ for that purpose, and if he does so he shall be guilty of an illegal hiring.

(3) 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, the person making the payment or contract, and, 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.

(4) 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 at an election.

Supplemental provisions as to conveyance of voters.

90.—(1) Nothing in the two last foregoing sections shall prevent a carriage being let, hired, employed or used by an elector or a proxy for an elector or several electors or proxies for electors at their joint cost, for the purpose of being conveyed to or from the poll.

(2) The provisions of subsections (1), (2) and (3) of the last foregoing section and of subsection (1) of this section shall apply in relation to horses or other animals as they apply in relation to carriages, and any reference therein to a public stage or hackney carriage shall include a reference to horses or other animals kept or used for drawing such carriages.

(3) For the purposes of this and the last foregoing section, the expression " carriage " includes any mechanically propelled vehicle intended or adapted for use on roads, and any vehicle

PART II —*cont.*

drawn by such a vehicle and any such vehicle as aforesaid shall be deemed to be a public stage or hackney carriage if used as such.

(4) Where the nature of a county constituency is such that any electors or proxies for electors residing therein 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 shall prevent the provision of means for conveying those electors or proxies by sea to their polling place.

The amount of any payment for such means of conveyance as aforesaid may be in addition to the maximum amount of expenses allowed by this Act.

(5) 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 thereby 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.

91.—(1) Any person who, or any director of any body or association corporate which, before or during an election, shall, for the purpose of affecting the return of any candidate at the election, make or publish any false statement of fact in relation to the personal character or conduct of the candidate 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:

Provided that a candidate shall not be liable nor shall his election be avoided for any illegal practice under this subsection 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.

(2) A person making or publishing any false statement of fact as aforesaid 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.

PART II —*cont.*

(3) The foregoing provisions of this section shall not apply to or in relation to an election of councillors in Scotland.

(4) Any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice:

Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this subsection committed by his agent other than his election agent.

(5) 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 the proviso to subsection (4) of this section to an illegal practice committed by an agent of the candidate shall be taken as a reference to an illegal practice committed without the knowledge and consent of the candidate.

(6) Except in Scotland, the jurisdiction vested by subsection (2) of this section in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by one of the judges for the time being on the rota for the trial of parliamentary election petitions 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 the said judges.

The reference in this subsection to rules of court shall not include a reference to rules made before the passing of the Corrupt and Illegal Practices Prevention Act, 1883.

(7) The jurisdiction vested by subsection (2) of this section in the 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 shall lie to the High Court from any order of a county court made by virtue of subsection (2) of this section.

Corrupt withdrawal from candidature.

92. 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.

93.—(1) If a person hires or uses any premises to which this section applies or any part thereof for a committee room for the purpose of promoting or procuring the election of a candidate, or lets any premises to which this section applies or any part thereof knowing that it was intended to use them or that part as a committee room, he shall be guilty of an illegal hiring.

PART II —*cont.*

Where the election is an election under the local government Act, the foregoing reference to letting any premises or part of premises shall include a reference to permitting the use of any premises or part of premises.

(2) 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:

Provided that this section shall not apply to the hiring, using, letting or permitting the use of any part of premises which is ordinarily let for the purpose of chambers, or offices, or 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 aforesaid.

(3) 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;

(*b*) in Scotland, to the premises of all schools other than independent schools within the meaning of the Education (Scotland) Act, 1946; and

(*c*) in Northern Ireland, to the premises of all schools other than independent schools within the meaning of the Education Act (Northern Ireland), 1947.

For the purposes of this section, the premises of a school shall be taken to include any dwelling house which forms part thereof and is occupied by a person employed for the purposes of the school.

Payments for exhibition of election notices.

94.—(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 proxy for an elector 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 it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements and the payment or contract is made in the ordinary course of that business.

PART II —*cont.*

(2) If any payment or contract for payment is knowingly made in contravention of this section either before, during or after an election, the person making the payment or contract, and, 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.

Name and address of printer on election publications.

95.—(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 aforesaid, or

(*c*) distribute or cause to be distributed any printed document for the said purpose,

unless the bill, placard, poster or document bears upon the face thereof 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 one hundred pounds.

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.

96. If a person is, either before, during or after an election, for the purpose of promoting or procuring the election of a candidate, engaged or employed for payment or promise of payment as a canvasser, the person so engaging or employing him and the person so engaged or employed shall be guilty of illegal employment.

Bands of music, torches, flags and banners.

97.—(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 on account of bands of music, torches, flags or banners.

(2) If any payment or contract for payment is made in contravention of this section, either before, during or after an election, the person making the payment and, if he knew that it

was made contrary to law, any person being a party to the contract or receiving the payment shall be guilty of an illegal payment. PART II —*cont.*

Providing money for illegal purposes.

98. Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of the maximum amount allowed by this Act, or 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 one hundred and forty-five of this Act to be an exception, that person shall be guilty of an illegal payment.

Bribery, treating and undue influence

Bribery.

99.—(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 aforesaid on account of any voter having voted or refrained from voting; or

(*c*) makes any such gift or procurement as aforesaid 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 aforesaid 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 shall 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 shall 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 to the use of any other person with the intent that that money or any part thereof shall

PART II —*cont.*

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.

100.—(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 proxy for an elector who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Undue influence.

101.—(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 use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person,

PART II —*cont.*

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 thereby compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

Misapplication of corporate property for parliamentary elections

Misapplication of corporate property for parliamentary elections.

102.—(1) It shall not be lawful for a municipal corporation or a borough council or a corporate officer or a trustee or other person acting for a municipal corporation to pay or apply any money, stocks, funds, securities or personal property of or held in trust for the corporation in payment of any expenses occasioned by a parliamentary election or incurred by any person offering himself as a candidate at or before a parliamentary election.

(2) Any bond, covenant, recognisance or judgment given by such a corporation, council, officer, trustee or person as aforesaid for securing payment for such expenses as aforesaid shall be void.

(3) Any payment, application, bond, covenant, recognisance or judgment made or given by a corporation, council, officer, trustee or person as aforesaid for inducing any person to labour in a parliamentary election at a future time, or to pay or incur any such expenses as aforesaid at a future time, shall be deemed to be forbidden and declared void by this section although colourably made or given for any other cause or consideration.

(4) Any mortgage or other disposition of land belonging to or held in trust for a municipal corporation for securing or satisfying any expenses or engagement incurred or to be incurred as aforesaid, and any estate or charge thereby created, shall be void.

(5) Any resolution, bye-law or other proceeding of a council purporting to direct or authorise any payment or thing forbidden by this section or made or adopted for evading the provisions thereof, shall be void.

(6) If any member of a municipal corporation authorises or directs any payment or application forbidden by this section, or assents to, or concurs or participates in, any affirmative vote or proceeding relating thereto, or signs or seals in his individual capacity, or affixes the corporate seal to, any instrument by this section declared void, he shall be guilty of a misdemeanour.

PART II —*cont.*

(7) If any corporate officer, trustee or other person as aforesaid makes, or concurs in making, any payment or application of money or property in contravention of subsection (1) or (3) of this section, he shall be deemed to have done so in his own wrong, and he shall be individually liable to repay and make good the amount or value thereof to the corporation, notwithstanding any release or pretended indemnity given to him in the name or on behalf of the corporation.

(8) Any two or more local government electors for the borough may bring and prosecute any action in the name of the corporation against any officer, trustee or person making any illegal payment or application in contravention of subsection (1) or (3) of this section as if they, and their executors and administrators, were jointly and severally appointed the irrevocable attorneys of the corporation for that purpose; but the plaintiffs shall, on the application of the defendant, give reasonable security, as the court directs, for costs as between solicitor and client.

(9) This section shall with the necessary modifications apply in relation to a county council in England or Wales as it applies in relation to a municipal corporation.

(10) A member of a municipal corporation (other than a municipal corporation to which the Municipal Corporations Act, 1882, applies) or a member of the London county council, convicted in England under subsection (6) of this section in the High Court shall, in addition to such punishment as the court awards, be for ever disabled to take, hold or exercise any office in the corporation or for the county, as the case may be.

(11) Nothing in this section shall affect the provisions of this Act or any other Act as to the payment of registration or other expenses relating to parliamentary elections by a local authority.

(12) The references in this section to the council of a borough shall, except in relation to any municipal corporation which is a borough within the Municipal Corporations Act, 1882, be taken as references to any court, guild, council or assembly constituting or composed of the ruling or governing part or class of the municipal corporation and, except as aforesaid, the reference to local government electors shall be taken as including a reference to freemen or corporators of the corporation.

Supplemental

Interpretation of Part II.

103. In this Part of this Act the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them—

"appropriate officer" has the meaning assigned to it by subsection (6) of section fifty-five of this Act;

PART II —*cont.*

" 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 " shall not include any house or room occupied by a candidate as a dwelling, by reason only of the candidate there transacting business 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 therein electors, committeemen or others;

" date of the allowance of an authorised excuse " has the meaning assigned to it by subsection (8) of section seventy-four of, or paragraph 7 of the Sixth Schedule to, this Act, as the case may be;

" declaration as to election expenses " means a declaration made under section seventy of, or, as the case may be, paragraph 3 of the Sixth Schedule to, this Act;

" disputed claim " has the meaning assigned to it by subsection (1) of section sixty-seven of this Act as extended by section sixty-eight of this Act;

" 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;

" payment " includes any pecuniary or other reward, and " pecuniary reward " and " money " shall, save in sections ninety-nine and one hundred, be deemed to include any office, place or employment, and any valuable security or other equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly;

" personal expenses " as used with respect to the expenditure of any candidate in relation to any election includes

PART II —*cont.*

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 therewith) to be made under subsection (1) of section sixty-nine of, or, as the case may be, paragraph 3 of the Sixth Schedule to, this Act;

Savings as to parliamentary elections.

104.—(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 of this Act shall make it illegal for an employer to permit parliamentary electors or proxies for parliamentary electors 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 is, so far as practicable without injury to the business of the employer, given equally to all persons alike who are at the time in his employment and if the permission is not given with a view to inducing any person to record his vote for any particular candidate at the election, and is not refused to any person for the purpose of preventing him from recording his vote for any particular candidate at the election:

Provided that this subsection shall not be construed as making illegal any act which would not be illegal apart from this subsection.

Rights of creditors.

105. 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,

shall 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.

Computation of time for purposes of Part II.

106.—(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 the following subsection, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days, and in

computing any period of not more than seven days for the purposes of this Part any of the days so mentioned shall be disregarded. PART II —*cont.*

(2) The days referred to in the foregoing subsection are any Sunday, Christmas Day, Good Friday, any bank holiday under the Bank Holidays Act, 1871, and any day appointed for public thanksgiving or mourning.

PART III

LEGAL PROCEEDINGS

Questioning of a parliamentary election

Method of questioning parliamentary election.

107.—(1) No parliamentary election and no return to Parliament shall be questioned except by a petition complaining of an undue election or undue return (hereinafter referred to as 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 may make such order thereon as they think expedient for compelling a return to be made or 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.

108.—(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 member 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 in the Kings Bench Division, or to the Court of Session,

PART III —*cont.*

or to the High Court of Northern Ireland in the Kings Bench Division, according as the constituency to which it relates is in England or 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.

Time for presentation or amendment of parliamentary election petition.

109.—(1) Subject to the provisions of this section, a parliamentary election petition shall be presented within twenty-one 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 the said return in pursuance or in furtherance of the alleged corrupt practice, it may be presented within twenty-eight 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*) not later than the expiration of fourteen days after the day specified in subsection (4) of this section; 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 twenty-eight days after the date of the payment or other act.

(4) The said day is—

(*a*) that on which the returning officer receives the return and declarations as to election expenses by the said member and his election agent; or

(*b*) where the return and declarations are received on different days, the last of those days; or

PART III —*cont.*

(*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 (2) of this section 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) of this section.

(6) Subsections (3), (4) and (5) of this section shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice and shall apply to a corrupt practice under section sixty-three of this Act as if it were an illegal practice.

(7) For the purposes of this section, an allegation that an election is avoided under section one hundred and forty-two of this Act 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) of this section in the High Court shall, subject to rules of court, be exercised by one of the judges for the time on the rota for the trial of parliamentary election petitions, 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 the said judges.

The reference to rules of court in this subsection shall not include a reference to rules made before the passing of the Corrupt and Illegal Practices Prevention Act, 1883.

Constitution of election court and place of trial.

110.—(1) A parliamentary election petition shall be tried by 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.

The judges presiding at the trial of a parliamentary election petition are hereinafter referred to as the election court.

(2) The election court shall, subject to the provisions of this Act, have 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.

PART III —*cont.*

(3) The place of trial shall be within the constituency for which the election was held:

Provided that—

(*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

(*b*) if the said constituency is in the administrative county of London, the petition may be heard at such place within the said county as the High Court may appoint.

(4) The election court may adjourn the trial from one place to any other place within the constituency.

Reception of and attendance on judges.

111.—(1) The judges shall be received at the place where they are about to try a parliamentary election petition with the same state, so far as circumstances admit, as a judge of assize is received at an Assize Town.

(2) If the petition relates to a county constituency, the judges shall be received by the sheriff and in any other case—

(*a*) if the registration officer is town clerk of a borough, by the mayor of that borough;

(*b*) if not, by the sheriff of the county which is or includes the area of the authority whose clerk is registration officer or by some person named by that sheriff.

(3) The travelling and other expenses of the judges and all expenses properly incurred by the sheriff, mayor or other person 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.

(4) The judges shall be attended on the trial of a parliamentary election petition in the same manner as a judge of the High Court trying an action at assizes is attended and the expenses of that attendance shall be deemed to be part of the expenses of providing a court.

(5) 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.

(6) 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 —*cont.*

(7) The expenses of the shorthand writer shall be deemed to be part of the expenses incurred in receiving the judges.

(8) In the application of this section to Scotland, the following provisions shall have effect in substitution for subsections (1) to (4)—

(*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.

Questioning of a local election

Method of questioning local election.

112. 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 sections one hundred and forty-two or one hundred and forty-three of this Act, and shall not be questioned on any of those grounds except by an election petition.

Presentation of petition questioning local election.

113.—(1) A petition questioning an election under the local government Act may be presented either by four or more persons who voted or had a right to vote at the election or by a person alleging himself to have been a candidate at the election.

In this subsection the expression "vote" does not include voting as proxy for an elector.

(2) Any 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 or Wales, to the High Court in the King's Bench Division;

(*b*) in Scotland, to the sheriff of the county in which the election took place.

PART III —*cont.*

(4) In England or Wales the prescribed officer shall send a copy of the petition to the clerk 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.

114.—(1) Subject to the provisions of this section, a petition questioning an election under the local government Act shall be presented within twenty-one days after the day on which the election was held.

(2) If the petition complains of the election on the ground of a corrupt practice and 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 twenty-eight 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 on the ground of an illegal practice and 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 twenty-eight 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 before the expiration of fourteen days after the date specified in subsection (5) of this section.

(5) The said day is—

(*a*) that on which the appropriate officer receives the return and declarations as to election expenses by the said 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.

PART III —*cont.*

(6) An election petition presented within the time limited by subsection (1) or (2) of this section 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) of this section shall be omitted and for the reference to the High Court there shall be substituted a reference to the election court or the sheriff substitute.

(7) Subsections (3), (4), (5) and (6) of this section shall apply notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice and shall apply to a corrupt practice under section sixty-three of this Act as if it were an illegal practice.

(8) For the purposes of this section, an allegation that an election is avoided under section one hundred and forty-two of this Act 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 the references in subsection (3) and paragraph (*a*) of subsection (5) of this section to an election agent shall be omitted and paragraphs (*b*) and (*c*) of the said subsection (5) shall be omitted.

Constitution of election court for local election in England or Wales, and place of trial.

115.—(1) A petition questioning an election in England or 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 if he is of less than fifteen years standing, or is a member of the Commons House of Parliament, or holds any office or place of profit under the Crown, other than that of recorder.

(3) A barrister shall not be qualified to constitute an election court for the trial of an election petition relating to any borough of which he is recorder, or to any local government area in which he resides or which is included in a circuit of His Majesty's Judges on which he practises as a barrister.

(4) The judges for the time being on the rota for the trial of parliamentary election petitions, or any two of those judges, may annually appoint as many barristers, not exceeding five, as they may think necessary as commissioners for the trial of petitions

PART III —*cont.*

questioning elections in England and Wales under the local government Act, and shall from time to time assign the petitions to be tried by each commissioner.

(5) If a commissioner to whom the trial of a petition is assigned dies, or declines to act or becomes incapable of acting, the said judges or two of them may assign the trial to be conducted or continued by any other of the commissioners appointed under this section.

(6) The election court shall for the purposes of the trial have the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of committal by the court may on motion by the person aggrieved be discharged or varied by the High Court, or in vacation by a judge thereof, on such terms, if any, as the High Court or judge thinks fit.

(7) 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.

(8) The election court may in its discretion adjourn the trial from any one place to any other place within the local government area or place where it is held.

Reception of and attendance on court.

116.—(1) The clerk of the authority for which the election was held shall provide proper accommodation for holding the election court constituted under the last foregoing section and any expenses incurred by him for the purposes of this section shall be paid by that authority.

(2) All constables, gaolers, and bailiffs shall give their assistance to the said election court in the execution of its duties, and if any gaoler or officer of a prison makes default in receiving or detaining a prisoner committed thereto in pursuance of this Part of this Act, he shall be liable to a fine recoverable by action in the High Court and not exceeding five pounds for every day during which the default continues.

Where the election in question was an election to an office in a borough other than a metropolitan borough, the fine shall go to the general rate fund of the borough.

(3) The said election court may employ officers and clerks as prescribed.

(4) A shorthand writer shall attend the trial before the said election court, and shall be sworn by the election court faithfully and truly to take down the evidence given at the trial. He shall

PART III —*cont.*

take down the evidence at length. A transcript of the notes of the evidence taken down by him shall, if the election court so directs, accompany the certificate of the election court. His expenses, according to a prescribed scale, shall be treated as part of the expenses incurred in receiving the court.

(5) The remuneration and allowances to be paid to the commissioner for his services in respect of the said trial and to any officers, clerks or shorthand writers employed under this section 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 approval of the Treasury.

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, and if the authority is a borough council any such repayment out of the general rate fund may be made without an order of the council.

(6) The said election court may, in its discretion, order that the said remuneration and allowances or the expenses incurred by the clerk of the authority for receiving the election court shall be repaid, wholly or in part, to the Treasury or the clerk of the authority, as the case may be, in the cases, by the persons and in the manner following (namely)—

(*a*) when, in the opinion of the election court, the petition is frivolous and vexatious, by the petitioner;

(*b*) when, in the opinion of the election court, the respondent has been personally guilty of corrupt practices at the election, by that respondent.

(7) 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.

Constitution of election court for local election in Scotland, and place of trial.

117.—(1) An election petition questioning an election of councillors in Scotland, and all proceedings incidental thereto and consequent thereon, except as otherwise provided, shall be tried by the sheriff (excluding sheriff-substitute) of the county within which the challenged election took place.

(2) The election court shall for the purposes of the trial have the same powers and privileges as a judge on the trial of a parliamentary election petition, except that any fine or order of committal by the court 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.

PART III —*cont.*

(3) The place of trial shall be within the sheriff court, except that the election court may, on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place within the sheriffdom for trial.

(4) The election court may in its discretion adjourn the trial from any one place to any other place within the sheriffdom.

(5) The travelling and other expenses of the sheriff 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. He shall take down the evidence at length.

Consequences of avoidance of local election.

118.—(1) Where on a petition questioning an election under the local government Act the election of any person has been declared void, and no other person has been declared elected in his room, a new election shall be held to supply the vacancy in the same manner as on a casual vacancy; and for the purposes of the 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.

(2) Where a candidate who has been elected to a corporate office, is by a certificate of an election court or 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.

(3) This section shall not apply in Scotland.

Procedure on all election petitions

Security for costs.

119.—(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, an amount of one thousand pounds; and

PART III —*cont.*

(*b*) in the case of a petition questioning an election under the local government Act, such amount not exceeding five hundred pounds as the High Court, or a judge thereof, 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:

Provided that in Scotland the amount mentioned in paragraph (*b*) shall be such amount not exceeding five hundred pounds as the election court or sheriff-substitute directs and 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.

In the case of an election under the local government Act, the service shall be in the prescribed manner.

(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 relation to a petition questioning an election under the local government Act, the periods mentioned in the two last foregoing subsections 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 aforesaid, no further proceedings shall be had on the petition.

Petition at issue.

120. On the expiration of the time limited for objections, or, after objection made, on the objection being disallowed or removed whichever last happens, the petition shall be at issue.

List of petitions.

121.—(1) The prescribed officer shall, 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 shall keep at his office a copy of the list, open to inspection in the prescribed manner.

PART III —*cont.*

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.

(2) The petitions shall, so far as conveniently may be, 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) of this section shall 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.

122.—(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, fourteen 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 of profit under the Crown 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

PART III —*cont.*

in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice.

In relation to an election in England or Wales under the local government Act, this subsection shall apply 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 or local elections rules 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 these candidates to be declared elected, then—

(*a*) any decision under the provisions as to equality of votes in the parliamentary or local elections rules, 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.

123.—(1) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried at assizes.

(2) On the trial a member of the election court may, by order under his hand, 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.

PART III —*cont.*

(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) 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, on the ground that the answer thereto may criminate or tend to criminate himself or on the ground of privilege:

Provided that—

(*a*) 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 under the hand of a member of the court stating that the witness has so answered ; and

(*b*) 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 him.

(8) 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.

(9) Where a person has received a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any corrupt or illegal practice committed by him previously to the date of the certificate at or in relation to the election, or any illegal payment, employment or hiring or offence under subsection (1) of section eighty-six or section ninety-five or one hundred and twenty-nine of this Act 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 the said person such costs as he may have been put to in the proceeding.

(10) Nothing in this section 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).

(11) 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, and if the witness was called and examined by virtue of subsection (2) of this section, shall be deemed part of the expenses of providing a court, but otherwise shall be deemed costs of the petition.

PART III —*cont.*

(12) In the application of this section to Scotland,—

(*a*) subsections (5) and (6) shall be omitted, but 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, and

(*b*) subsection (1) and in subsection (11) the words from "and if the witness" to the end shall be omitted in relation to an election of councillors.

Conclusion of trial of parliamentary election petition.

124.—(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 shall forthwith certify in writing the determination to the Speaker, and the determination so certified shall be final to all intents and purposes:

Provided that—

(*a*) if the judges constituting the election court 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, and

(*b*) if they 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.

(2) 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 one hundred and thirty-eight and one hundred and forty of this Act 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.

(3) 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.

(4) 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.

PART III —*cont.*

(5) 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 for confirming or altering the return, or for issuing a writ for a new election, or 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 petition questioning a local election.

125.—(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 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 the certificate and at the same time, make a report in writing to the High Court as required by sections one hundred and thirty-eight and one hundred and forty of this Act 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 thereof.

(4) The election court may at the same time make a special report to the High Court as to any matters arising in the course of the trial, an account of which ought, in the judgment of the election court, 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) A copy of the said certificate shall be certified by the High Court under the hands of two or more Judges thereof to the clerk of the authority for which the election was held.

(7) The foregoing provisions of this section, save subsection (1), shall not apply to Scotland but where a charge is made in a petition questioning an election of councillors in Scotland of any corrupt or illegal practice having been committed at the election, the court shall determine the said matters mentioned in sections one hundred and thirty-eight and one hundred and forty of this Act, and shall also determine whether any corrupt practices have, or whether there is reason

PART III —*cont.*

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.

126.—(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.

In the case of a parliamentary election petition, the High Court shall certify to the Speaker its decision in reference to the special case.

In the case of a petition questioning an election in England or 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 shall also be certified by the High Court under the hands of two or more judges thereof to the clerk of the authority for which the election was held.

(2) 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.

(3) In Scotland, the decision of the Court of Session on a special case under subsection (1) of this section 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.

(4) In the case of a petition questioning a parliamentary election in Northern Ireland, the decision of the High Court of Northern Ireland under subsection (1) of this section shall be final.

Withdrawal of petition.

127.—(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 the reference to the High Court shall be omitted.

PART III —*cont.*

(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.

128.—(1) Before leave for the withdrawal of an election petition is granted, there shall be produced affidavits by all the parties to the petition and their solicitors and, if the election was an election at which candidates are required to have election agents, by the election agents of all of the said 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 to be just so to do.

In the application of this subsection to an election of councillors in Scotland, the reference to the High Court shall be taken as a reference to the election court, but, if the election was a local government election, the sheriff-substitute may act instead of the election court.

(2) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and 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.

(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 the said affidavits shall be delivered to the Director of public prosecutions a reasonable time before the application for the withdrawal is heard, and the court may hear the Director of public prosecutions or his assistant or other representative (appointed with the approval of the Attorney-General) in opposition to the allowance of the withdrawal of the petition, and 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 shall include references to the procurator-fiscal.

PART III —*cont.*

(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) of this section in the High Court in matters relating to parliamentary elections shall, subject to rules of court, be exercised by one of the judges for the time being on the rota for the trial of parliamentary election petitions, 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 the said judges.

The reference in this subsection to rules of court shall not include a reference to rules made before the passing of the Corrupt and Illegal Practices Prevention Act, 1883.

Punishment for corrupt withdrawal.

129. If any 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 is or are for the withdrawal of the election petition in consideration of any payment, or in consideration that the seat or office shall at any time be vacated, or in consideration of the withdrawal of any other election petition, or is or are (whether lawful or unlawful) not mentioned in the aforesaid affidavits, he shall be liable on conviction on indictment to imprisonment for a term not exceeding twelve months or to a fine not exceeding two hundred pounds, or to both.

In this section the expression " indictment " includes criminal information.

Substitution of new petitioner.

130.—(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 the last foregoing section or induced by any corrupt bargain or consideration, the court may by order direct 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 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.

PART III —*cont.*

(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 as aforesaid, 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.

131.—(1) In every case of the withdrawal of a parliamentary election petition, the court giving leave for the withdrawal shall make a report to the Speaker as required by subsection (2) of this section and in every case of the withdrawal by the leave of the election court of a petition questioning an election in England or 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 opinion of the court the withdrawal of the petition was the result of any agreement, terms or undertaking or was 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.

Withdrawal after double return at parliamentary election.

132. Where—

(*a*) a petition complains of a double return to a writ for a parliamentary election; and

(*b*) the respondent has given notice to the prescribed officer that he does not intend to oppose the petition; and

(*c*) no party has been admitted under the following provisions to defend the petition; and

(*d*) there is no petition complaining of the other member returned on the double return,

the petitioner may withdraw by notice addressed to the prescribed officer who upon receipt of the notice shall report the fact of the withdrawal to the Speaker; and the House of Commons shall thereupon give the necessary directions for amending the double return by striking out the certificate by which the respondent declining to oppose the petition was returned, or otherwise as the case may require.

Abatement of petition.

133.—(1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

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(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 thereof 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 at 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) to the High Court shall be omitted, and the sheriff-substitute may act instead of the election court.

Withdrawal and substitution of respondents before trial.

134.—(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 of Great Britain by a writ issued under the Great Seal of Great Britain 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 thereof 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.

The notice to be given under this subsection in any local government area shall be such as may be prescribed.

(2) 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 thereon, and if the petition relates to a parliamentary

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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.

Where a respondent to a parliamentary election petition has given the said 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.

(3) 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-substitute may act instead of the election court.

Costs of petition.

135.—(1) All costs of and incidental to the presentation of an election petition and the proceedings consequent thereon, 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; and in particular 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 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.

(2) If a petitioner neglects or refuses, in the case of a petition questioning a parliamentary election or return, for six months, and 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 him for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court, every person who under this Act entered into a recognisance relating to the petition shall be held to have made default in the recognisance, and the prescribed officer shall thereupon certify the recognisance to be forfeited and it shall be dealt with under the Levy of Fines Act, 1822, or the Fines Act (Ireland), 1851, as the case may be.

(3) In the application of this section to Scotland—

(*a*) in relation to an election of councillors the references in subsection (1) to the High Court shall be omitted and for the like references in subsection (2) there shall be substituted references to the election court;

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(*b*) in lieu of the provisions for estreating a recognisance in subsection (2), the prescribed officer shall, when otherwise competent under the provisions of that subsection, certify that the conditions contained in the bond of caution have not been fulfilled, and it shall then be competent for the party or parties interested to register the said bond, and do diligence upon it as accords of law.

Further provision as to costs of petition.

136.—(1) Where upon the trial of an election petition it appears to the election court 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 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 may think right as provided by subsection (2) or (4) of this section.

(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, in the case of a parliamentary election, by the constituency for which the election was held, and, in the case of an election under the local government Act, by the authority for which the election was held.

(3) The Treasury shall pay any costs ordered to be paid by a constituency under the last foregoing subsection and obtain repayment of the amount so paid from the authority liable to pay registration expenses for that constituency, 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 the said authority or in any other manner:

Provided that in relation to Northern Ireland the reference to the authority liable to pay registration expenses shall be taken as a reference to the council of any county or county borough in which the constituency is wholly or partly situated and, where more than one council is concerned, the said costs shall be paid by them in such proportion as the Secretary of State may direct, and the said costs so payable—

(*a*) by a county council shall be paid out of the poor rate as a county at large charge;

(*b*) by the council of a county borough shall be paid out of the rate or fund out of which the general expenses of the council are paid.

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(4) 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, order the whole or part of the costs to be paid by that person, or those persons or any of them, and may 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.

(5) 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 the said offence or to the said person to be paid by the said person to such person or persons as the court may direct.

Appeals and jurisdiction.

137.—(1) No appeal shall lie 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 agency and evidence and to a scrutiny, and to the declaring any person elected in the room 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 petition questioning a parliamentary election or return.

(3) The High Court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority with respect to an election petition and the proceedings thereon 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 of this Act shall be performed by such one or more of the masters of the Supreme Court (King's Bench Division) as the Lord Chief Justice may

determine, and there shall be awarded to those masters respectively, in addition to their salaries payable apart from the provisions of this subsection, such remuneration for the performance of their duties in relation to parliamentary elections under this Part of this Act as the Lord Chief Justice with the consent of the Treasury may determine.

(5) The duties to be performed in relation to elections under the local government Act by the prescribed officer under this Part of this Act shall be performed by the prescribed officer of the High Court.

(6) In the application of this section to Scotland, subsections (1), (4) and (5) and in relation to elections of councillors, subsection (3) shall be omitted, but the duties to be performed in relation to parliamentary elections by the prescribed officer under this Part of this Act shall be performed by the principal Clerk of Session.

(7) Subsection (1) of this section shall not apply in Northern Ireland and, in the application of subsection (4) of this section to Northern Ireland, the references to the Lord Chief Justice shall be taken as references to the Lord Chief Justice of Northern Ireland and the reference to any master of the Supreme Court (King's Bench Division) shall be taken as 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.

138.—(1) The report of an election court under section one hundred and twenty-four or one hundred and twenty-five of this Act 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 the next two following sections, 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 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

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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 the next following section as having been reported guilty by his agents of the offences mentioned in the report.

(4) In relation to an election where candidates are not required to have election agents, for paragraphs (*a*) and (*b*) of the last foregoing subsection there shall be substituted the following paragraphs:—

"(*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 said 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."

(5) The provisions of the next two following sections as to the consequences of the report that a candidate was guilty by his agents of a corrupt or illegal practice shall have effect subject to the express provisions of this Act relating to particular acts which are declared to be corrupt or illegal practices.

Avoidance of election and incapacity of candidate reported guilty of a corrupt or illegal practice.

139.—(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;

PART III —*cont.*

(*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.

In this subsection the expression "corporate office" means in England and Wales the office of chairman, mayor, councillor or alderman of a county, borough, district or parish council or of elective auditor or of chairman of a parish meeting and in Scotland the office of councillor of a county, town or district council.

Provisions applying to all persons reported personally guilty of a corrupt or illegal practice.

140.—(1) The report of the election court under section one hundred and twenty-four or one hundred and twenty-five of this Act 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 furnished with certificates of indemnity, but, in the case of someone who is not a party to the petition nor 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.

It shall be 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.

(2) 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.

PART III —*cont.*

(3) Subject to the provisions of section one hundred and fifty-two of this Act, 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 the said date vacate the seat or office.

(4) Subject to the provisions of section one hundred and fifty-two of this Act, 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.

(5) Without prejudice to the generality of the provisions of subsection (2) of section one hundred and seventy-four of this Act, nothing in subsection (3) or (4) of this section shall affect matters relating to the Parliament of Northern Ireland and local elections and holding office in Northern Ireland.

Disciplinary action on report of corrupt practice.

141.—(1) 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 shall be 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.

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(2) 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, it shall be the duty of the Director of public prosecutions to 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 the Inn of Court, High Court or tribunal may deal with him as if the corrupt practice were misconduct by him in his profession.

(3) If it appears to an election court that a person holding a licence or certificate under the Licensing Acts has knowingly suffered 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 subsection (1) of section one hundred and forty of this Act, report the fact; and

(*b*) whether that person has obtained a certificate of indemnity or not, it shall be 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.

(4) The entry of the report in the said 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 the renewal thereof.

Further provision as to avoidance of elections and striking off votes

Avoidance of election for general corruption, etc.

142.—(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 thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, his election, if he has been elected, shall be void and 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.

143.—(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 Parliament of Northern Ireland ; or

(*b*) of his having been convicted more than once of an offence under the Public Bodies Corrupt Practices Act, 1889 ;

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 ; but a vote given for such a person either at a parliamentary or local government election shall not, by reason of his incapacity under this section, 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.

144.—(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

Power to except innocent act from being illegal practice, payment, employment or hiring.

145.—(1) An application for relief under this section may be made to the High Court or an election court or else, if in respect of a payment made in contravention of subsection (1) or (2) of section sixty-six of, or of paragraph 1 of the Sixth Schedule to, this Act, to the county court.

PART III —*cont.*

(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 thereupon no person shall be subject to any of the consequences under this Act of the said act or omission.

(3) In relation to an election of councillors in Scotland, the references in subsection (1) of this section to applications to the High Court or the county court shall be omitted.

(4) 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 one of the judges for the time being on the rota for the trial of parliamentary election petitions, sitting either in court or at chambers but shall not be exercisable by a master.

The reference in this subsection to rules of court shall not include a reference to rules made before the passing of the Corrupt and Illegal Practices Prevention Act, 1883.

(5) The jurisdiction vested by this section in a county court may, save 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 shall lie to the High Court from any order of the county court made under this section.

Prosecutions for corrupt or illegal practices

Prosecutions for corrupt practices.

146.—(1) A corrupt practice shall be punishable on conviction on indictment or on summary conviction (including conviction under section one hundred and forty-nine of this Act by an election court):

Provided that—

(*a*) an indictment shall not be triable before a court of quarter sessions;

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(*b*) a person shall not be prosecuted summarily where there may be occasion to exercise the powers conferred by subsections (1) and (2) of section one hundred and fifty-two of this Act.

(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 to imprisonment for a term not exceeding one year or a fine not exceeding two hundred pounds.

(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 felony and if convicted thereof 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 court of summary jurisdiction, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds or to both;

(*b*) by an election court, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds.

(5) A person charged with personation shall not be convicted by a court of summary jurisdiction or, save under section one hundred and forty-nine of this Act, committed for trial except on the evidence of not less than two credible witnesses.

In the application of this subsection to Scotland the words from "by a court" to "or committed for trial" shall be omitted.

(6) 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, the court shall direct the conviction to be entered in the proper register of licences, and 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 the renewal thereof.

(7) In this section the expression "indictment" includes criminal information.

Prosecutions for illegal practices.

147. A person guilty of an illegal practice shall on summary conviction (including conviction under section one hundred and forty-nine of this Act by an election court) be liable to a fine not

exceeding one hundred pounds; and on a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice. PART III —*cont.*

Conviction of illegal practice on charge of corrupt practice, etc.

148. Any 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 any 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.

Prosecution of offences disclosed on election petition.

149.—(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 any person who has not received a certificate of indemnity has been guilty of a corrupt or illegal practice, he shall, without any such direction, prosecute that person for that offence before the election court, or if he thinks it expedient in the interests of justice, 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:

Provided that 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 Summary Jurisdiction Acts shall, so far as is consistent with the tenor thereof, 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 the attendance of any person may be enforced, the case heard and determined, and any summary conviction by such court carried into effect and enforced, and the costs thereof paid, and the record thereof dealt with under those Acts in like manner as if the court were a petty sessional court for the county or place in which the conviction took place:

Provided that no appeal shall lie 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) of this section to be tried by a jury,

and the court is of opinion that the evidence is sufficient to put that person upon his trial for the offence, the court shall order that person to be prosecuted either on indictment or before

PART III —*cont.*

a court of summary jurisdiction, as the case may require, for the offence and thereupon shall proceed as directed by subsections (6), (7) or (8) of this section:

Provided that, 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, so far as is consistent with the tenor thereof, apply and the court shall commit him for trial.

(7) If the accused is present before the court and the offence is not an indictable offence, the election court shall order him to be brought before the court of summary jurisdiction before whom he is to be prosecuted or cause him to give bail to appear before that court of summary jurisdiction.

(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 court of summary jurisdiction.

(9) The court of summary jurisdiction 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 hear the case or, if the court of summary jurisdiction is not the court before whom he is directed to be prosecuted, order him to be brought before that court.

(10) Any order or act of an election court under this section relating to an election under the local government Act shall not be discharged or varied under subsection (6) of section one hundred and fifteen of this Act.

(11) The foregoing provisions of this section shall not apply in Scotland, but 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

PART III —*cont.*

Lord Advocate in order that that person may be brought to trial before the High Court of Justiciary or the sheriff (excluding sheriff-substitute), according to the nature of the case, and it shall be 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.

All prosecutions directed to be tried in the sheriff court shall be tried by the sheriff (excluding sheriff-substitute).

Costs in prosecutions of corrupt practices.

150.—(1) Where a person is acquitted on any indictment by a private prosecutor for any corrupt practice in England or Wales, and the person acquitted has not been committed to or detained in custody or bound by recognizance to answer the indictment, the court before which the person acquitted is tried may order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, including any proceedings before the examining justices, as taxed by the proper officer of the court.

In this subsection the expression " prosecutor " includes any person who appears to the court to be a person at whose instance the prosecution has been instituted or under whose conduct the prosecution is at any time carried on.

(2) An order under the foregoing subsection may be made in addition to an order directing payment of costs out of local funds, but notice of the order under the foregoing subsection shall be sent to the council of the county or borough out of the funds of which they are so payable.

(3) An order under subsection (1) of this section may be enforced by the person to whom the costs are ordered to be paid in the same manner as an order for the payment of costs made by the High Court in civil proceedings, or as a civil debt in manner provided by the Summary Jurisdiction Acts.

(4) Where a person has been committed for trial and is not ultimately tried, the court to which he is committed shall have power to order payment of costs under subsection (1) of this section as if the defendant had been tried and acquitted.

(5) Any criminal court in Scotland, before which a prosecution is instituted on indictment for a corrupt practice, may order the defendant to pay to the prosecutor the prosecutor's reasonable costs of the prosecution.

(6) If, on an indictment or criminal information instituted by a private prosecutor in Northern Ireland for a corrupt practice, judgment is given for the defendant, the defendant shall be

PART III —*cont.*

entitled to recover from the prosecutor the costs sustained by the defendant by reason of the indictment or information, such costs to be taxed by the proper officer of the court.

Neither the Attorney-General for Northern Ireland nor any representative of his shall be deemed to be a private prosecutor for the purposes of this subsection.

(7) Subject to the foregoing provisions of this section, where a prosecution on indictment or criminal information for a corrupt practice is instituted in Northern Ireland the costs of the prosecution shall, so far as they are not paid by the defendant, be paid in like manner as costs are paid in the case of a prosecution for felony.

Incapacities on conviction of corrupt or illegal practice.

151. Subject to the provisions of the next following section, but in addition to any punishment as provided by the foregoing provisions,—

(*a*) a person convicted of a corrupt practice on indictment or by an election court shall be subject to the incapacities imposed by subsection (3) of section one hundred and forty of this Act 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 subsection (4) of the said section one hundred and forty as if at the date of the conviction he had been reported personally guilty of that illegal practice.

In this section the expression "indictment" includes criminal information.

Mitigation and remission of incapacities.

Mitigation and remission of incapacities.

152.—(1) Where any person is subject to any incapacity by virtue of the report of an election court or of election commissioners, and 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 aforesaid is on a prosecution convicted of any such matters as aforesaid, 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 one hundred and forty of this Act or section thirty-eight of the Corrupt and Illegal Practices Prevention Act, 1883, in respect of the matters of which he is convicted, as if the incapacity had been imposed by reason of the conviction.

PART III —*cont.*

(3) A court exercising any of the powers conferred by subsections (1) and (2) of this section, 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 the said 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 thereof by an election court, no further incapacity shall be imposed on him under the said section one hundred and forty 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 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) of this section in matters relating to parliamentary elections shall, subject to rules of court, be exercised by one of the judges for the time being on the rota for the trial of parliamentary election petitions either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to the said judges.

The reference in this subsection to rules of court shall not include a reference to rules made before the passing of the Corrupt and Illegal Practices Prevention Act, 1883.

Illegal payments, employments or hirings

Illegal payments, employments or hirings.

153.—(1) A person guilty of an offence of illegal payment, employment or hiring shall, on summary conviction, be liable to a fine not exceeding one hundred pounds; 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 knowledge and consent of a candidate 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.

PART III —*cont.*

General provisions as to prosecutions

Time limit for prosecutions.

154.—(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, or if it was committed in reference to an election with respect to which an inquiry is held by election commissioners shall be commenced within one year after the offence was committed or within three months after the report of the commissioners is made, whichever period last expires, so that it be commenced within two years after the offence was committed, and the time so limited by this section shall, in the case of any proceedings under the Summary Jurisdiction Acts for any such offence, whether before an election court or otherwise, be substituted for any limitation of time contained in the last mentioned Acts.

(2) For the purpose of this section, the issue of a summons, warrant 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 aforesaid service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

(3) This section applies to any corrupt or illegal practice, any illegal payment, employment or hiring and any offence under subsection (1) of section eighty-six, section ninety-five or one hundred and twenty-nine of this Act.

Prosecutions for offences committed outside the United Kingdom.

155.—(1) Proceedings under this Act, so far as it relates to parliamentary elections, in respect of an offence alleged to have been committed outside the United Kingdom by a British subject 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 the foregoing subsection, 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 thereby to land in the United Kingdom.

Offences by corporations.

156. Where any corrupt or illegal practice or any illegal payment, employment or hiring or any offence under section ninety-five of this Act 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.

PART III —*cont.*

Place of trial of criminal informations.

157.—(1) Where an information for a corrupt practice or an offence under subsection (1) of section eighty-six or section one hundred and twenty-nine of this Act is instituted in the High Court in England and the Attorney-General suggests on the part of the Crown that it is expedient for the purposes of justice that the information should be tried in the Central Criminal Court, the High Court may, if the Court thinks fit, order that the information shall be so tried upon such terms as to the Court seems just and may make such orders as appears to the court necessary or proper for carrying into effect the order for the trial.

(2) Subject to rules of court, the jurisdiction vested by this section in the High Court may be exercised by any judge of the King's Bench Division.

Evidence by certificate of holding of elections.

158. On any prosecution for a corrupt or illegal practice or for any illegal payment, employment or hiring and on any proceedings for a penalty under section seventy-three of or paragraph 4 of the Sixth Schedule to this Act, the certificate of the returning officer at an election that the election mentioned in the certificate was duly held and that the person named in the certificate was a candidate at the election shall be sufficient evidence of the facts therein stated.

Provisions as to Director of public prosecutions.

159.—(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 shall be his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(2) The Director of public prosecutions by himself or by his assistant or by his representative appointed under the next following subsection shall attend the trial of every election petition.

(3) The Director of public prosecutions may nominate, with the approval of the Attorney-General, 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.

(4) The Director of public prosecutions in performing any duty under this Act shall act in accordance with regulations under the Prosecution of Offences Act, 1879, and subject thereto in accordance with the directions (if any) given to him by the Attorney-General, and any assistant or representative of the Director of public prosecutions in performing any duty under this Part of this Act shall act in accordance with the said regulations and directions (if any) and with the directions given to him by the Director of public prosecutions.

PART III —*cont.*

(5) A prosecution by the Director of public prosecutions or his assistant for any offence punishable summarily committed in reference to an election under the local government Act may be instituted before any court of summary jurisdiction in the county in which the local government area for which the election was held is situate or to which it adjoins, and the offence shall be deemed for all purposes to have been committed within the jurisdiction of that court.

For the purposes of this subsection—

(*a*) any two counties having a single commission of the peace shall be treated as a single county; and

(*b*) no county of a city or town shall be treated as part of a county; and

(*c*) a county borough in which justices of any county have jurisdiction shall be treated as part of that county.

(6) There shall be allowed to the Director of public prosecutions and his assistant or representative for the purposes of this Part of this Act other than his general duties under subsection (1) of this section such allowances for expenses as the Treasury may approve.

(7) The costs incurred in defraying the expenses of the Director of public prosecutions incurred for the said 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 the said costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.

(8) In the application of this section to Scotland, subsections (2) to (7) shall be omitted.

(9) In the application of this section to Northern Ireland, the reference to the Prosecution of Offences Act, 1879, shall not apply.

Supplemental

Rules of procedure.

160.—(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.

(2) The power conferred by the foregoing subsection to make rules 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 a statutory instrument

containing rules under the foregoing subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament. PART III —*cont.*

(3) The foregoing provisions of this section shall not apply in Scotland, but the Court of Session shall have power to make acts of sederunt for the purposes of Part II and this Part of this Act.

(4) Subsection (2) of this section shall not apply in relation to Northern Ireland, but any rules under subsection (1) of this section relating to Northern Ireland shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within a period of forty days beginning with the day on which any such rules are laid before it, resolves that the rules be annulled, they shall thereupon become void, without prejudice, however, to the validity of anything previously done thereunder or to the making of new rules.

In reckoning any such period of forty days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Section one of the Rules Publication Act, 1893, shall not apply to the said rules.

Costs.

161.—(1) The rules and regulations 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 on a higher scale than would be allowed in any action, cause or matter in the High Court on the higher scale as between solicitor and client.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this Part of this Act, to be paid by any person, those costs or sums shall be a simple contract debt 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 His Majesty and in either case may be recovered accordingly.

(3) The foregoing provisions of this section shall not apply to Scotland, but the said 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 costs 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.

PART III —*cont.*

Service of notices.

162.—(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 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 with the post office.

Interpretation of Part III.

163. In this Part of this Act the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them—

" appropriate officer " has the same meaning as in subsection (6) of section fifty-five of this Act;

" candidate " has the same meaning as in Part II of this Act and the saving in subsection (1) of section one hundred and four of this Act shall apply in relation to this Part as in relation to Part II of this Act;

" costs " includes charges and expenses;

" date of the allowance of an authorised excuse " has the meaning assigned to it by subsection (8) of section seventy-four of, or paragraph 7 of the Sixth Schedule to, this Act, as the case may be;

" declaration as to election expenses " means a declaration made under section seventy of, or, as the case may be, paragraph 3 of the Sixth Schedule to, this Act;

" judicial office " includes the office of justice of the peace;

" Licensing Acts " means the Licensing (Consolidation) Act, 1910, and the Acts amending that Act, or the corresponding enactments forming part of the law of Scotland or Northern Ireland;

" payment " includes any pecuniary or other reward; and " pecuniary reward " and " money " shall be deemed to include any office, place or employment and any valuable security or equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly;

" prescribed " means prescribed by rules of court;

PART III —*cont.*

" public office " means any office under the Crown or under the charter of a city or municipal borough or under the Acts relating to local government or public health or public education, whether the office is that of mayor, provost, chief magistrate, chairman, alderman, bailie, councillor, member of a board, commission or other local authority in any local government or other area, or is the office of clerk of the peace, town clerk, or other officer under a council, board, commission or other authority, or is any other office to which a person is elected or appointed under any such charter or enactment as aforesaid, including any other municipal or parochial office;

" return as to election expenses " means a return made under section sixty-nine of, or, as the case may be, paragraph 3 of the Sixth Schedule 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.

Computation of time for the purposes of Part III.

164. The provisions of section one hundred and six of this Act shall apply 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.

PART IV

SPECIAL PROVISIONS AS TO CERTAIN LOCAL ELECTIONS

Application of Act to certain local elections in England and Wales.

165.—(1) Parts II and III of this Act and, in Part I, subsection (2) of section forty, section forty-seven and section fifty-three and in this Part, subsection (1) of section one hundred and sixty-eight, so far as they apply to an election in England or Wales of district or parish councillors or of a chairman of a district council or parish council or meeting shall have effect subject to such adaptations, modifications and exceptions as may be made by district or parish election rules but, notwithstanding anything in the foregoing provisions of this Act, an election of district or parish councillors not regulated by district or parish election rules shall not be treated as an election under the local government Act for the purposes of the enactments in this section before mentioned:

Provided that nothing in this subsection shall affect the operation of section eighty-three or section eighty-seven.

(2) Subject to the provisions of section two hundred and thirty-eight of the Local Government Act, 1933, all the provisions of Part I of this Act with respect to the nomination and election of councillors of a borough not divided into wards shall apply to the nomination and election of elective auditors under the said section two hundred and thirty-eight:

PART IV —*cont.*

Provided that voting by post or by proxy shall not be allowed at an election of elective auditors.

(3) The references to local government elections in sections thirty-five, thirty-eight, forty-seven and fifty-two of this Act shall include references to elections of elective auditors.

(4) This Act, save Part I thereof, shall have effect as if an election of a councillor to the council of the City of Oxford or of the Borough of Cambridge which is not made by the local government electors were an election under the local government Act but such elections of councillors shall not be treated as local government elections within the meaning of this Act.

Local elections in Scotland excluded from Parts II and III.

166. Except in the phrase "election to any public office" wherever it is used, references in Parts II and III and in subsection (1) of section one hundred and sixty-eight of this Act to elections or to elections under the local government Act shall not include references to elections under the Local Government (Scotland) Act, 1947, other than elections of councillors.

Municipal elections in the City of London.

167.—(1) For the purposes of subsection (2) of section forty and sections forty-seven and forty-eight in Part I, the whole of Part II save sections eighty-three and eighty-six, the whole of Part III, subsection (1) of section one hundred and sixty-eight in this Part and Part V,—

(*a*) the expressions "local government election" and "election under the local government Act" shall include a municipal election in the City of London (that is to say 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);

(*b*) the expression "corporate office" shall include each of the aforesaid offices;

(*c*) the expression "local government area" shall include the City of London;

(*d*) the expression "clerk of the authority" shall mean in relation to the City of London the town clerk of the City of London;

(*e*) the expression "electoral area" shall mean in relation to a ward election, the ward, and in relation to any other municipal election in the City of London, the City of London:

Provided that in relation to municipal elections in the City of London the said enactments shall have effect subject to the modifications hereafter mentioned in this section.

PART IV —*cont.*

(2) In the said subsection (2) of section forty for the words " qualified to be registered in the register of local government electors " there shall be substituted the words " qualified to vote at a municipal election in the City of London " ; and the town clerk of the City of London shall send the corrupt and illegal practices list when made out by him to the secondary not less than fourteen days before the day on which the ward list for each ward is required to be published, and the secondary shall omit from each ward list the names of all persons mentioned in the corrupt and illegal practices list and the corrupt and illegal practices list shall be printed and appended to every copy of each ward list.

(3) In the said sections forty-seven and forty-eight the expression " vote " shall not include voting otherwise than on a poll and, in the said section forty-eight, sub-paragraph (ii) of paragraph (*a*) of subsection (2) shall not apply.

(4) For a candidate at a ward election the maximum amount of election expenses shall be twenty-five pounds and, if the number of electors (taken according to the enumeration of the electors in the ward list to be used at the election) exceeds five hundred, an additional twopence for each elector above the first five hundred electors.

(5) A candidate at an election by liverymen in common hall need not have an election agent, his maximum amount of election expenses shall be two hundred and fifty pounds, and section seventy-eight and the Sixth Schedule shall apply at such an election as it applies to an election of parish councillors so, however, that the form of declaration as to election expenses shall be such as may be prescribed by Act of Common Council.

(6) In section eighty-four of this Act 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 thereafter up to and including the day of the poll, but in relation to a meeting held with reference to an election other than an annual election that section shall not apply to an offence committed on or before the day on which the precept is issued.

(7) Any costs or expenses directed to be paid under subsection (5) of section one hundred and sixteen or under subsection (2) of section one hundred and thirty-six of this Act by the authority for which the election was held shall, if incurred in respect of a ward election, be paid out of the ward rate of that ward and, in any other case, shall be paid by the chamberlain of the City of London out of the city's cash.

Voting offences at certain local elections.

168.—(1) If any person votes, or induces or procures any person to vote, at an election under the local government Act which is not a local government election, knowing that he or

PART IV —*cont.*

that person is prohibited by any enactment from voting at that election, he shall be guilty of an illegal practice:

Provided that a candidate shall not be liable nor shall his election be avoided for any illegal practice under this subsection committed without his knowledge or consent.

(2) Every person who at an election of councillors in Scotland where the poll is taken by means of voting papers—

(*a*) fabricates, in whole or in part, or alters, defaces, destroys, abstracts or purloins any voting 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 voting papers; or

(*e*) delivers any voting paper under a false pretence of being lawfully authorised to do so,

shall be liable on summary conviction to a penalty not exceeding twenty pounds or, in the discretion of the court, to imprisonment for any period not exceeding three months and shall be deemed to have committed an illegal practice.

PART V

GENERAL

Interpretation of other Acts.

169.—(1) The Eighth Schedule to this Act shall have effect with respect to the interpretation of Acts other than this Act so, however, that the inclusion in the said Schedule of any express provision shall not be taken to prejudice the operation in relation to this Act of any provision of the Interpretation Act, 1889, as to repeals.

(2) The provisions of the said Schedule may be supplemented in relation to any Act passed before the Representation of the People Act, 1948, by an order made by the Secretary of State in any particular case where that appears to him necessary for harmonising the previous Act with the provisions of the said Act of 1948 re-enacted by this Act.

(3) Any power conferred by this section or by the said Schedule 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.

Effect of incapacities under the law of Northern Ireland.

170.—(1) So long as any person is subject, by virtue of the Corrupt and Illegal Practices Act, 1883, or the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, as those Acts are applied in relation to the Parliament of Northern Ireland and

PART V —*cont.*

local elections in Northern Ireland, or of any Act of the Parliament of Northern Ireland amending or replacing those Acts, to any incapacity with respect to the Parliament of Northern Ireland, he shall be subject to the like incapacity with respect to the Parliament of the United Kingdom.

(2) Where by reason of anything done in reference to an election a person is subject to an incapacity with respect to the Parliament of Northern Ireland and the incapacity is limited to a particular constituency or constituencies, then the like incapacity imposed by this section with respect to the Parliament of the United Kingdom shall be limited to any constituency which includes the area or part of the area for which the said election was held.

General provisions as to interpretation.

171.—(1) In this Act the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them—

" Attorney General " includes the Solicitor General in cases where the Attorney General is interested or otherwise unable to act;

" Clerk of the Crown " means Clerk of the Crown in Chancery;

" 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 commissioners " means commissioners appointed in pursuance of the Election Commissioners Act, 1852;

" 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 and " parliamentary election petition " means an election petition questioning a parliamentary election or return;

" 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;

" 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;

PART V —*cont.*

" parliamentary elections rules " means the parliamentary elections rules in the Second Schedule to this Act;

" person " includes (without prejudice to the provisions of the Interpretation Act, 1889) an association corporate or unincorporate;

" prescribed " save in Part III of this Act means prescribed by regulations;

" 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 whose service declaration is for the time being in force or who remains registered in pursuance of a service declaration no longer in force;

" sub-agent " has the meaning assigned to it by subsection (1) of section fifty-six of this Act;

" voter " means a person voting at an election and includes a person voting as proxy and, except in the parliamentary and local elections rules, a person voting by proxy, and " vote " (whether noun or verb) shall be construed accordingly, except that in the said 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) References in this Act to any enactment shall, except in so far as the context otherwise requires, be taken as referring to that enactment as amended by any other enactment.

(3) 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.

(4) Any person before whom a declaration is authorised to be made under this Act may take the declaration.

(5) 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, and a statutory instrument containing regulations made by the Secretary of State under this Act, other than regulations made for the purposes of the local elections rules shall not come into force unless or until it is approved by resolution of each House of Parliament.

PART V —*cont.*

Interpretation and application of local government provisions in England and Wales.

172.—(1) In this Act unless the context otherwise requires the following expressions have, in relation to England and Wales, the meanings assigned to them by this subsection, that is to say—

" borough " includes a metropolitan borough ;

" county " means (subject to subsection (4) of this section) an administrative county ;

" county district " means a borough other than a metropolitan or county borough, an urban district or a rural district ;

" district council " means an urban district council or a rural district council ;

" district councillor " means an urban district councillor or a rural district councillor ;

" district election rules " has the meaning assigned to it by subsection (1) of section twenty-nine of this Act ;

" electoral area " means any electoral division, borough, ward, district, parish or other area for which an election of councillors is held under the local government Act ;

" local elections rules " means the local elections rules in the Second Schedule to this Act ;

" local government Act " means, except in relation to the administrative County of London, the Local Government Act, 1933, and in relation to the administrative County of London, the London Government Act, 1939 ;

" local government area " means a county, borough, urban or rural district or parish ;

" local government election " means the election of councillors for any electoral area ;

" parish ", save in section eighty-three of this Act means a rural parish within the meaning of the Local Government Act, 1933 ;

" parish election rules " has the meaning assigned to it by subsection (1) of section twenty-nine of this Act.

(2) In this Act the expression " clerk of the authority " in relation to a borough means the town clerk, and where the town clerk of a borough is registration officer references to the authority whose clerk he is refer to the borough council; and references to the clerk of the authority of a county borough, metropolitan borough or county district acting on the requisition of a registration officer include an officer designated by the council thereof and so acting.

(3) Subject to any express provision therein contained, Part I of this Act, so far as it has effect for the purposes of parliamentary elections or of elections of London county councillors, shall

PART V —*cont.*

apply in relation to the City of London as if it were a metropolitan borough and as if the common council were a metropolitan borough council, but with the substitution for references to the town clerk of references to the secondary; and for the purposes of this subsection the Inner Temple and Middle Temple shall be treated as forming part of the said City:

Provided that the foregoing modifications shall not affect the local elections rules or section twenty-two or subsection (5) of section forty-one of this Act.

(4) This Act shall apply in relation to the Isles of Scilly as if those isles were an administrative county and as if the council of those isles were a county council, except that—

(*a*) paragraph 1 of the Fourth Schedule and any reference to a person acting in pursuance of the requisition of the registration officer shall apply as if the isles were a county district and the council were a district council;

(*b*) the provisions of Part I of this Act relating to the conduct of local government elections shall have effect in relation to those isles subject to such adaptations as the Minister of Health may by statutory instrument prescribe.

General application to Scotland.

173.—(1) The provisions of this section shall in addition to any express provision for the application to Scotland of any provision of this Act have effect for the general application of this Act to Scotland.

(2) For any reference to a municipal borough, a county borough or a borough there shall be substituted a reference to a burgh, for any reference to a borough council there shall be substituted a reference to a town council, for any reference to a borough councillor there shall be substituted a reference to a town councillor, and for any reference to a borough constituency there shall be substituted a reference to a burgh constituency.

(3) References in the local elections rules to a burgh within a county shall not include references to a county of a city.

(4) For any reference to the High Court there shall be substituted a reference to the Court of Session and for any reference to the county court or a judge thereof there shall be substituted a reference to the sheriff.

(5) Any power to make acts of sederunt (other than the power conferred by section forty-five of this Act to appoint judges to hear appeals under that section or to fill any vacancy among the judges so appointed) 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.

(6) Any reference to the Director of Public Prosecutions or the Attorney-General shall refer to the Lord Advocate.

PART V —*cont.*

(7) For any reference to a plaintiff or defendant there shall be substituted respectively a reference to a pursuer or defender, for any reference to a recognisance there shall be substituted a reference to a bond of caution and for any reference to an injunction there shall be substituted a reference to an interdict.

(8) The following expressions have the following meanings respectively:—

"assessor" means the assessor appointed under the Lands Valuation (Scotland) Act, 1854;

"burgh", "large burgh" and "small burgh" have the same meanings as in the Local Government (Scotland) Act, 1947;

"elected district councillor" has the same meaning as in the Local Government (Scotland) Act, 1947;

"electoral area", in relation to a local government election, means the electoral division, burgh, ward or other area for which the election is held;

"local elections rules" means the local elections rules in the Third Schedule to this Act;

"local government Act" means the Local Government (Scotland) Act, 1947;

"local government area" means a county, burgh or district; and

"local government election" means an election of councillors by local government electors for an electoral area.

(9) 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.

(10) For any reference to the register of licences there shall be substituted a reference to the register kept in pursuance of the Fifth Schedule to the Licensing (Scotland) Act, 1903.

General application to Northern Ireland.

174.—(1) The following provisions shall, in addition to any express provision for the application to Northern Ireland of any provision of this Act, have effect for the general application of this Act to Northern Ireland, that is to say:—

(*a*) the expression "Summary Jurisdiction Acts" means the Petty Sessions (Ireland) Act, 1851, and any Act (including an Act of the Parliament of Northern Ireland) amending that Act and the expression "summary conviction" means conviction subject to and in accordance with the Summary Jurisdiction Acts;

PART V —*cont.*

(*b*) in relation to the determination of claims and objections with respect to registration, any reference to the registration officer shall be construed as a reference to the revising officer mentioned in subsection (2) of section nine;

(*c*) any reference to the High Court shall be construed as a reference to the High Court of Justice in Northern Ireland;

(*d*) any reference to the Lord Chancellor shall refer to the Governor of Northern Ireland and any reference either to the Attorney General or the Director of Public Prosecutions shall refer to the Attorney General for Northern Ireland;

(*e*) subject to the next following subsection, 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 shall affect the law relating to the Parliament of Northern Ireland or to local government in Northern Ireland.

(3) So much of this Act as relates to matters with respect to which the Parliament of Northern Ireland has power to make laws shall be deemed for the purposes of section six of the Government of Ireland Act, 1920 (which relates to that power) to be a provision of an Act passed before the appointed day for the purposes of that section.

Repeal and savings

175.—(1) The enactments set out in the Ninth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that without prejudice to the provisions of the Interpretation Act, 1889, this subsection shall have effect subject to the following provisions of this section.

(2) Nothing in this repeal shall affect any Order in Council, rule, order, regulation or other instrument made or any other thing whatsoever done under any enactment repealed by this Act, and every such instrument or other thing shall continue in force and, so far as it could have been made or done under this Act, shall have effect as if made or done under the corresponding provision of this Act.

(3) Nothing in this repeal shall affect the terms and conditions on and subject to which any person held office or served before the commencement of this Act.

(4) Nothing in this repeal shall affect any incapacity imposed by or subsisting under any enactment repealed by this Act and any such incapacity (whether or not imposed before the passing of the Representation of the People Act, 1948, under an enactment amended by that Act) shall for the purposes of this Act be treated as having been imposed under the corresponding provision of this Act.

PART V —*cont*

(5) Nothing in this repeal shall extend to any enactment so far as it is applied by a local or private Act and nothing in this repeal shall extend to any enactment in the Tenth Schedule to the Representation of the People Act, 1948, which is not reproduced in this Act so far as that enactment amends any local or private Act.

(6) Where under any Act passed before this Act there is power to affect Acts passed or in force before a particular time and that power would, but for the passing of this Act, have included power to change the law which is reproduced in this Act, then that power shall include power to make such provision as will secure the like change in the law as reproduced in this Act notwithstanding that this Act is not an Act passed or in force before that time and notwithstanding that the terms of this Act, apart from this subsection, are not such as to render that power applicable.

(7) Any document referring to any Act or enactment repealed by this Act, or which by virtue of any enactment repealed by this Act so referred, shall be construed as referring to this Act or the corresponding enactment in this Act.

Short title, citation and commencement.

176.—(1) This Act may be cited as the Representation of the People Act, 1949, and shall be included among the Acts which may be cited as the Representation of the People Acts.

(2) The provisions of this Act relating to parliamentary elections, other than provisions as to the registration of parliamentary electors, shall come into force for the purposes of the first general election after the passing of this Act.

(3) The provisions of this Act other than those coming into force by virtue of the last foregoing subsection shall come into force on such day as the Secretary of State may by statutory instrument appoint and different days may be appointed for different purposes:

Provided that—

(*a*) any day so appointed shall not be earlier than that of the coming into force of any provision of the Representation of the People Act, 1948, which corresponds to a provision of this Act coming into force on that day by virtue of this subsection, and

(*b*) no provision in this Act coming into force by virtue of this subsection shall, in so far as it reproduces any provision of that Act, apply in relation to any parliamentary bye-election or local government election begun before that provision in that Act came into force.

For the purposes of this subsection, an election shall be deemed to be begun on the day on which notice of the election is given

SCHEDULES

Sections 3 and 7.

FIRST SCHEDULE

PROVISIONS AS TO THE QUALIFYING DATE AND THE REGISTER

1. Part I of the following Table shall have effect for the purposes of parliamentary and local government elections in Great Britain, and Part II thereof shall have effect for the purposes of parliamentary elections in Northern Ireland, and subject to the following paragraphs of this Schedule—

(*a*) where the date fixed for the poll is that specified in the first column of the Table, the qualifying date shall be that specified in the corresponding entry in the second column thereof and the register to be used at the election shall be that specified in the corresponding entry in the third column thereof;

(*b*) the register mentioned in the third column of the Table shall be published not later than the date specified in the corresponding entry in the fourth column thereof.

TABLE

Part I

Great Britain

Date fixed for the poll at the election	Qualifying date for the election	Register to be used at the election	Last day for publication of register
Between the 15th March and the 2nd October in any year.	In England and Wales, the 20th November preceding the date fixed for the poll. In Scotland, the 1st December preceding the date fixed for the poll.	Spring Register.	The 15th March following the qualifying date.
Between the 1st October in any year and the following 16th March.	The 15th June preceding the date fixed for the poll.	Autumn Register.	The 1st October following the qualifying date.

1ST SCH —*cont.*

Part II

Northern Ireland

Date fixed for the poll at the election	Qualifying date for the election	Register to be used at the election	Last day for publication of register
Between the 1st April and 2nd October in any year.	The 31st October preceding the date fixed for the poll.	Spring Register.	The 1st April following the qualifying date.
Between the 1st October in any year and the following 2nd April.	The 30th April preceding the date fixed for the poll.	Autumn Register.	The 1st October following the qualifying date.

2. The interval in Northern Ireland between the qualifying date and the date of publication of the register may be altered by regulations 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 Schedule, then until the day following that on which it is published the corresponding part of the previous register (whether prepared under this Act or not) shall continue in use; and where any part of the register used at an election is a part continued in force by this paragraph, 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.

SECOND SCHEDULE

Sections 16, 26, 27, 28 and 29.

RULES FOR CONDUCT OF A PARLIAMENTARY ELECTION, AND RULES FOR CONDUCT OF A LOCAL GOVERNMENT ELECTION IN ENGLAND AND WALES

Note.—The parliamentary elections rules are printed on left-hand pages and the local elections rules on right-hand pages.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Arrangement of rules

PART I

PROVISIONS AS TO TIME

Rule
1. Timetable.
2. Computation of time.

PART II

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. Telegraphic information of issue of writ.
6. Notice of election.

Nomination

7. Nomination of candidates.
8. Subscription of nomination paper.
9. Consent to nomination.
10. Deposit.
11. Place for delivery of nomination papers.
12. Right to attend nomination.
13. Decisions as to validity of nomination papers.
14. Withdrawal of candidates.
15. Publication of nominations.
16. Adjournment of nomination proceedings in case of riot.
17. Method of election.

PART III

CONTESTED ELECTIONS

General Provisions

18. Poll to be taken by ballot.
19. The ballot papers.
20. The official mark.
21. Prohibition of disclosure of vote.
22. Use of schools and public rooms.

Action to be taken before the poll

23. Notice of poll.
24. Death of candidate.
25. Postal ballot papers.
26. Provision of polling stations.
27. Appointment of presiding officers and clerks.
28. Special lists.
29. Issue of official poll cards.
30. Equipment of polling stations.
31. Appointment of polling and counting agents.
32. Declaration of secrecy.

LOCAL ELECTIONS RULES

2ND SCH. —*cont.*

Arrangement of rules

PART I

PROVISIONS AS TO TIME

Rule
1. Timetable.
2. Computation of time.
3. Hours of poll.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

4. Notice of election.
5. Nomination of candidates.
6. Subscription of nomination paper.
7. Consent to nomination.
8. Place for delivery of nomination papers.
9. Decisions as to validity of nomination papers.
10. Publication of nominations.
11. Withdrawal of candidates.
12. Nomination in more than one electoral area.
13. Method of election.

PART III

CONTESTED ELECTIONS

General Provisions

14. Poll to be taken by ballot.
15. The ballot papers.
16. The official mark.
17. Prohibition of disclosure of vote.
18. Use of schools and public rooms.

Action to be taken before the poll

19. Notice of poll.
20. Death of candidate.
21. Postal ballot papers.
22. Provision of polling stations.
23. Appointment of presiding officers and clerks.
24. Special lists.
25. Equipment of polling stations.
26. Appointment of polling and counting agents.
27. Declaration of secrecy.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

The poll

33. Admission to polling station.
34. Keeping of order in station.
35. Sealing of ballot boxes.
36. Questions to be put to voters.
37. Challenge of voter.
38. Voting procedure.
39. Votes marked by presiding officer.
40. Voting by blind persons.
41. Tendered ballot papers.
42. Spoilt ballot papers.
43. Adjournment of poll in case of riot.
44. Procedure on close of poll.

Counting of votes

45. Attendance at counting of votes.
46. The count.
47. Re-count.
48. Rejected ballot papers.
49. Decisions on ballot papers.
50. Equality of votes.

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

51. Declaration of result.
52. Return to the writ.
53. Record of returns at Crown Office.
54. Return or forfeiture of candidate's deposit.

PART V

DISPOSAL OF DOCUMENTS

55. Verification of ballot paper account.
56. Delivery of documents to Clerk of the Crown.
57. Orders for production of documents.
58. Retention and public inspection of documents.
59. Disposal of documents in Scotland.
60. Disposal of documents in Northern Ireland.

APPENDIX

Form of writ.
Form of notice of parliamentary election.
Form of nomination paper for a parliamentary election.
Form of ballot paper.
Directions as to printing the ballot paper.
Form of directions for the guidance of the voters in voting.
Form of declaration to be made by the companion of a blind voter.

LOCAL ELECTIONS RULES

2ND SCH. —*cont.*

The poll

28. Admission to polling station.
29. Keeping of order in station.
30. Sealing of ballot boxes.
31. Questions to be put to voters.
32. Challenge of voter.
33. Voting procedure.
34. Votes marked by presiding officer.
35. Voting by blind persons.
36. Tendered ballot papers.
37. Spoilt ballot papers.
38. Adjournment of poll in case of riot.
39. Procedure on close of poll.

Counting of votes

40. Attendance at counting of votes.
41. The count.
42. Re-count.
43. Rejected ballot papers.
44. Decisions on ballot papers.
45. Equality of votes.

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

46. Declaration of result.
47. The return.

PART V

DISPOSAL OF DOCUMENTS

48. Verification of ballot paper account.
49. Delivery of documents to clerk of the authority.
50. Orders for production of documents.
51. Retention and public inspection of documents.
52. Supplemental provisions as to documents.

PART VI

SUPPLEMENTAL

53. General duty of returning officer or mayor.
54. Discharge of functions of mayor.
55. Construction.

APPENDIX

Form of ballot paper.
Directions as to printing the ballot paper.
Form of directions for the guidance of the voters in voting.
Form of declaration to be made by the companion of a blind voter.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

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 bye-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 bye-election, not later than four 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 ten in the morning and three in the afternoon (or on a Saturday between those of ten in the morning and noon) on any day after the date of publication of the notice of election, but not later than the eighth day after the date of the proclamation summoning the new Parliament.	In the case of a bye-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— (*a*) in a county constituency, not earlier than the fourth day after the date of publication of the notice of election, nor later than the ninth day after that on which the writ is received; and (*b*) in a borough constituency, 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.	

LOCAL ELECTIONS RULES

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*
Publication of notice of election ...	Not later than the twentieth day before the day of election.
Delivery of nomination papers ...	Not later than noon on the fourteenth day before the day of election.
Despatch of notices of decisions on nominations and publication of statement as to persons nominated.	Not later than noon on the thirteenth day before the day of election.
Delivery of notices of withdrawals of candidature.	Not later than noon on the twelfth day before the day of election.
Notice of poll	Not later than the fifth day before the day of election.
Notice of appointment of polling or counting agents.	Not later than the third day before the day of election.
Polling	On the day of election.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Proceeding	*Time*	
The making of objections to nomination papers.	In the case of a general election or a bye-election, during the hours allowed for delivery of nomination papers on the last day for the delivery thereof and the hour following and, if the last day is a Saturday, between the hours of one and three in the afternoon on the day before : Provided that no objection may be made in the afternoon of the said last day (or if it is a Saturday at any time on that day) except to a nomination paper delivered within twenty-four hours of the last time for the delivery thereof, 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.	
Publication of statement of persons nominated.	In the case of a general election or a bye-election, at the close of the time for making objections to nomination papers or as soon thereafter as any objections are disposed of.	
Polling	In the case of a general election, between the hours of seven in the morning and nine in the evening on the ninth day after the last day for delivery of nomination papers.	In the case of a bye-election between the hours of seven in the morning and nine in the evening on the day fixed by the returning officer, which shall not be earlier than the seventh nor later than the ninth day after the last day for delivery of nomination papers.

Note.—Any steps which may be taken on or after receipt of the writ may, in accordance with rule 5 of these rules, be taken on or after the receipt of official telegraphic intimation of the writ having been issued.

Computation of time

2.—(1) In computing any period of time for the purposes of the Timetable, a Sunday, Christmas Day, Good Friday, bank holiday or 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 thereon.

(2) In this rule the expression " bank holiday " means—

(*a*) in relation to a general election, a day which is a bank holiday under the Bank Holidays Act, 1871, in any part of the United Kingdom; and

Computation of time

2. In computing any period of time for the purposes of the Timetable, a Sunday, Christmas Day, Good Friday, bank holiday or day appointed for public thanksgiving or mourning and the Saturday before and the Tuesday after Easter Day or Whit Sunday 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 thereon:

Provided that where under Part III of these rules a person ought to proceed with the preparation of special lists or the issue of postal ballot papers on the said Saturday before or Tuesday after Easter Day or Whit Sunday, nothing in this rule shall absolve him from that duty.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

(*b*) in relation to a bye-election, a day which is a bank holiday under the said Act in that part of the United Kingdom in which the constituency in question is situated:

Provided that at a general election sub-paragraph (*b*) and not sub-paragraph (*a*) of this paragraph shall apply—

(i) in relation to any proceedings commenced afresh by reason of the death of a candidate; and

(ii) in relation to any proceedings extending, by reason of riot or open violence, beyond the time laid down by the Timetable.

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 rules applying at the passing of the Representation of the People Act, 1948, in the case of elections in parliamentary counties and boroughs.

(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) His 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 Governor of Northern Ireland, 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) Except in Scotland, 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 or, in a constituency where the sheriffs of the City of London or either of them are or is

Hours of poll

3.—(1) The poll shall commence at eight o'clock in the morning and be kept open till eight o'clock in the evening of the same day and no longer:

Provided that the poll shall be kept open till nine o'clock in the evening if candidates remaining validly nominated to a number not less than the number of vacancies have, by written notices signed by them and delivered at the place and within the time for delivery of notices of withdrawals of candidature, so requested.

(2) A notice under this rule shall not have effect as respects any candidate if revoked by a further written notice signed by him and delivered as aforesaid.

(3) In London, a notice under this rule must be delivered to the returning officer and need not be delivered at the place for notices of withdrawals of candidature.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

4.—(1) Notice of the election in the prescribed form shall be prepared, signed and published—

(*a*) at an election of borough councillors, other than metropolitan borough councillors, by the town clerk, and

(*b*) at an election of a councillor for any county except London, if the electoral division is co-extensive with or wholly comprised in a borough, by the town clerk, and

(*c*) at any other election by the returning officer.

(2) In an election of a councillor for any county except London, the notice shall be published by causing it to be affixed to the offices of the county council, and in addition—

(*a*) in the case of an electoral division which is co-extensive with or wholly comprised in a borough, by causing it to be affixed to the town hall and, if the town hall is not situate within the electoral division, by causing it to be exhibited at such additional place or places within that division as the town clerk may determine; and

(*b*) in any other case, by causing it to be affixed to the offices of the council of each county district wholly or in part comprised in the electoral division, and, if any of those offices are not situate in the electoral division, by causing it to be exhibited at such additional place or places within both the district and the electoral division as the returning officer may determine.

returning officer, delivery to either of those sheriffs or to the secondary of the City of London, shall be as good as delivery to the returning officer.

(5) In Scotland, delivery of the writ to a sheriff-substitute authorised under this Act to act as returning officer for the election shall be as good as delivery to the returning officer.

(6) An Order in Council under this rule may require a returning officer to furnish an address to which writs are to be conveyed and any change of that address and may provide for recording addresses so furnished, and 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.

(7) The person to whom the writ is delivered shall endorse the date of receipt on the writ in the form shown in the Appendix.

(8) An Order in Council under this rule may provide for any incidental or supplementary matters and may revoke or vary an Order previously made; and a draft of any such Order shall be laid before Parliament.

Conveyance of writ to acting returning officer

4.—(1) For an election in a constituency in England or Wales, the writ shall, notwithstanding anything in the last foregoing rule, be conveyed to the acting returning officer if the returning officer has, by notice in the form prescribed by an Order in Council under that rule and received by the Clerk of the Crown one month or more before the issue of the writ, so requested, and has not revoked it by a further notice in the form so prescribed and received within such time as aforesaid.

(2) A notice under this rule shall not have effect in relation to a constituency where the sheriffs of the City of London or either of them are or is returning officer but, save as aforesaid, shall have effect in relation to all constituencies of which the person giving it is returning officer at the time of giving it or of which he or a successor in office becomes returning officer by virtue of that office.

(3) Any notice given before the passing of the Parliament (Elections and Meeting) Act, 1943, to the Postmaster-General by a sheriff in England or Wales and expressing his desire that writs for parliamentary elections for a constituency in respect of which he was then returning officer should be conveyed to the acting returning officer shall, if still in force, have effect as if it had been a notice given to the Clerk of the Crown under this rule.

(4) Where by virtue of this rule writs are conveyed to the acting returning officer, paragraph (6) of the last foregoing rule shall apply in relation to him as it applies in relation to a returning officer.

Telegraphic information of issue of writ

5. Official telegraphic information of the writ having been issued may be given in such cases and by such persons as may be directed by His Majesty in Council, and any steps for holding the election which may be taken on or after the receipt of the writ may be taken on or after the receipt of an official telegraphic intimation of the writ having been issued.

(3) At an election of London county councillors, the notice shall be published by causing it to be affixed to the town hall of the borough or each of the boroughs the whole or any part of the area of which is included in the electoral division and, if the electoral division includes the City of London, at the Guildhall of the said City, and to be exhibited at such places in the electoral division as the returning officer may determine.

(4) At an election of borough councillors, the notice shall be published by causing it to be affixed to the town hall and, in the case of a ward election, to be exhibited at such places in the ward as, outside London, the town clerk, or, in London, the returning officer, may determine.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Notice of election

6. 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 the place and times aforesaid.

NOMINATION

Nomination of candidates

7.—(1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix, delivered by the candidate himself, or his proposer or seconder, to the returning officer at the place fixed for the purpose.

(2) The nomination paper shall state the full names, place of residence and description of the candidate and the surname shall be placed first in the list of his names.

(3) The description shall not refer to the candidate's political activities, and need not refer to his rank, profession or calling so long as, with the other particulars of the candidate, it is sufficient to identify him.

(4) If the description is unduly long, the returning officer after consultation (if possible) with the candidate or his election agent, proposer or seconder, may shorten it or substitute another.

Subscription of nomination paper

8.—(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.

(4) The returning officer shall supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers and shall at the request of any elector prepare a nomination paper for signature; but it shall not be necessary for a nomination to be on a form supplied by the returning officer.

(5) No person shall 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:

Provided that a person 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.

Nomination of candidates

5.—(1) Each candidate shall be nominated by a separate nomination paper in the prescribed form, delivered at the place fixed for the purpose.

(2) Paragraphs (2), (3) and (4) of rule 7 of the parliamentary elections rules shall apply, but at an election of borough councillors, other than metropolitan borough councillors, the mayor shall act instead of the returning officer.

Subscription of nomination paper

6.—(1) The nomination paper shall be subscribed by two electors for the electoral area as proposer and seconder and, except in the case of an election of metropolitan borough councillors, by eight other electors for that area 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 returning officer shall provide nomination papers and shall supply any elector for the electoral area with as many nomination papers as may be required and shall, at the request of any such elector, prepare for signature a nomination paper.

This paragraph shall apply—

(*a*) at an election of borough councillors other than metropolitan borough councillors; and

(*b*) at an election of a councillor for any county except London, if the electoral division is co-extensive with or comprised in a borough,

with the substitution of the town clerk for the returning officer.

(6) In this rule—

the expression "elector" means a person who is registered as a parliamentary elector in the constituency in the register to be used at the election or who, pending the publication of that register, appears from the electors lists therefor as corrected by the registration officer to be entitled to be so registered;

the expression "electoral number" means a person's number in the said register or, pending the publication of the register, his number (if any) in the electors lists therefor.

Consent to nomination

9. A person shall not be validly nominated unless his consent to nomination, given in writing on or within one month before the day fixed as the last day for the delivery of nomination papers and attested by one witness, is delivered at the place and within the time for the delivery of nomination papers:

Provided that 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 aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose 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.

Deposit

10.—(1) A person shall not be validly nominated unless the sum of one hundred and fifty pounds 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 by the deposit of any legal tender, or by means of a banker's draft, or with the consent of the returning officer in any other manner:

Provided that 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.

(4) No person shall—

(*a*) subscribe more nomination papers than there are vacancies to be filled in the electoral area; or

(*b*) subscribe a nomination paper for more than one ward of a borough divided into wards; or

(*c*) at an election of London county councillors or of borough councillors, subscribe more than one nomination paper in respect of the same candidate:

Provided that a person 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.

(5) If any person subscribes nomination papers in contravention of the last foregoing paragraph, his signature shall be inoperative in all but those papers (up to the permitted number) which are first delivered.

(6) In this rule, the expression "elector for the electoral area" means a person who is registered as a local government elector for the electoral area in the register to be used at the election or who, pending the publication of that register, appears from the electors lists therefor as corrected by the registration officer to be entitled to be so registered.

Consent to nomination

7.—(1) A person shall not be validly nominated unless his consent to nomination, given in writing on or within one month before the last day for the delivery of nomination papers and attested by one witness, is delivered at the place and within the time appointed for the delivery of nomination papers:

Provided that, in the case of an election to fill a casual vacancy, 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 aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose 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.

At an election of a borough councillor other than a metropolitan borough councillor the mayor shall act under this proviso instead of the returning officer.

(2) A candidate's consent given under this rule shall contain a statement that he is qualified as required by law to be elected to and hold the office in question, and the statement shall give particulars of his qualification.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Place for delivery of nomination papers

11.—(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 the delivery thereof and for the making of objections thereto.

(2) The place shall be in the constituency or in the registration area (if any) which includes the constituency or, unless the constituency is a borough constituency, in a borough adjoining the constituency or registration area.

Right to attend nomination

12.—(1) Except for the purpose of delivering a nomination paper or of assisting the returning officer, no person shall be entitled to attend the proceedings during the time for delivery of nomination papers or making objections thereto unless he is a person standing nominated as a candidate or is the election agent, proposer or seconder of such a person:

Provided that 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, such one of those papers as he may select or, in default of any such selection, 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 shall include the right to inspect, and to object to the validity of, any nomination paper.

Decisions as to validity of nomination papers

13.—(1) Where a nomination paper and the candidate's consent thereto are delivered and a deposit is made in accordance with these rules, the candidate shall be deemed to stand nominated unless and until the returning officer decides that the nomination paper is invalid, or proof is given to the satisfaction of the returning officer of the candidate's death, or the candidate withdraws.

(2) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say,—

(*a*) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and

(*b*) that the paper is not subscribed as so required.

(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 decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

Place for delivery of nomination papers

8.—(1) Every nomination paper shall be delivered—

(*a*) at an election of borough councillors other than metropolitan borough councillors, at the town clerk's office;

(*b*) in any other case, at the place fixed by the returning officer.

(2) At an election of a councillor for any county except London, the place fixed by the returning officer shall—

(*a*) if the electoral division is co-extensive with or wholly comprised in a borough, be the town clerk's office;

(*b*) if the electoral division is co-extensive with or wholly comprised in an urban district, be some place in that district; and

(*c*) in any other case, be some place in the electoral division or in an adjoining electoral division.

(3) In London, the place fixed by the returning officer shall be within the electoral area.

Decisions as to validity of nomination papers

9.—(1) Paragraphs (1) and (2) of rule 13 of the parliamentary elections rules shall apply with the omission of the reference to making a deposit.

(2) As soon as practicable after the latest time for the delivery of nomination papers, the returning officer shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with these rules.

(3) Paragraphs (4), (5) and (6) of the said parliamentary elections rule shall apply.

(4) The returning officer shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

(6) Subject to the last foregoing paragraph, nothing in this rule shall prevent the validity of a nomination being questioned on an election petition.

Withdrawal of candidates

14.—(1) A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered to the returning officer at the place for delivery of nomination papers.

(2) In the case of a candidate who 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:

Provided that where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if,—

(*a*) it and the accompanying declaration are signed by all the proposers except any who is, and is stated in the said declaration to be, outside the United Kingdom; or

(*b*) it is accompanied, in addition to the said 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 nominations

15.—(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 nominated may require the returning officer to include in the statement the names of the persons subscribing a second and third nomination paper.

(5) At an election of borough councillors other than metropolitan borough councillors, the mayor shall act under this rule instead of the returning officer.

Publication of nominations

10.—(1) The returning officer shall prepare and publish a statement in the prescribed form 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.

(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.

(5) The statement as to persons nominated shall be published by causing it to be affixed to the place appointed for the delivery of nomination papers.

(6) At an election of borough councillors other than metropolitan borough councillors the mayor shall act under this rule instead of the returning officer.

Withdrawal of candidates

11. A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place appointed for the delivery of nomination papers; and paragraph (2) of rule 14 of the parliamentary elections rules shall apply.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Adjournment of nomination proceedings in case of riot.

16. Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence, the proceedings shall be abandoned for that day, and 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 for the delivery thereof, and that day shall be treated for the purposes of these rules as being the said last day (subject however to any further application of this rule in the event of interruption or obstruction on that day):

Provided that where proceedings are abandoned by virtue of this rule—

(*a*) nothing may be done after they are continued, if the time for doing it had passed at the time of the abandonment, nor shall anything done before the abandonment be invalidated by reason thereof;

(*b*) subject to paragraph (*a*) of this proviso if the day on which the proceedings are continued is a Saturday and is (or is to be treated as) the said last day, the proviso to the entry in the Timetable relating to the making of objections shall not apply.

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.

LOCAL ELECTIONS RULES

Nomination in more than one electoral area

12. A candidate who is validly nominated for more than one electoral division of a county or for more than one ward of a borough must duly withdraw from his candidature in all those electoral divisions or wards, as the case may be, except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those electoral divisions or wards, as the case may be.

Method of election

13.—(1) If the number of persons remaining validly nominated for the electoral area after any withdrawals under these rules exceeds the number of vacancies, the councillors shall be elected from among them at a poll under Part III of these rules.

(2) If the said number does not exceed the number of vacancies, the person or persons (if any) deemed to be elected under the following provisions of this rule shall be declared elected in accordance with Part IV of these rules.

(3) The person or persons (if any) remaining validly nominated for the electoral area after any withdrawals under these rules shall be deemed to be elected.

(4) If, at an ordinary election of a councillor for any county except London, no person remains validly nominated as aforesaid, the retiring councillor, if any, for the electoral division shall be deemed to be elected.

(5) If, at an ordinary election of borough councillors or London county councillors, no person remains validly nominated as aforesaid, or the number of persons so remaining validly nominated is less than the number of vacancies, such of the retiring councillors for the electoral area as were highest on the poll at the last ordinary election, or as filled the places of councillors who were highest on the poll at that election, or if the poll was equal or there was no poll, as may be determined by the drawing of lots conducted under the direction of the mayor of the borough or chairman of the London county council, as the case may require, shall be deemed to be elected to fill up the vacancies not filled under paragraph (3) of this rule.

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 therein, 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 be either embossed or perforated.

(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.

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.

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.

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by ballot

14. 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 or candidates to whom the majority of votes have been given shall be declared to have been elected.

The ballot papers

15.—(1) The ballot of every voter shall consist of a ballot paper, and the persons remaining validly nominated for the electoral area after any withdrawals under these rules, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Paragraphs (2) and (3) of rule 19 of the parliamentary elections rules shall apply.

The official mark

16.—(1) Every ballot paper shall be marked with an official mark, which shall be either embossed or perforated.

(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 county or borough, as the case may be.

Prohibition of disclosure of vote

17. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he voted.

Use of schools and public rooms

18.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or of counting the votes—

(*a*) a room in a school in receipt of a grant or in respect of which a grant is made, out of moneys provided by Parliament, from or by the Minister of Education;

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

This rule applies—

(i) In England and Wales, to a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament;

(ii) in Scotland, to a school other than an independent school within the meaning of the Education (Scotland) Act, 1946;

(iii) in Northern Ireland, to a school in receipt of a grant out of moneys provided by the Parliament of Northern Ireland.

(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 aforesaid by reason of its being used for the purpose of taking the poll.

(3) The use of a room in an unoccupied house for the said purpose shall not render a person liable to be rated or to pay any rate for the house.

(4) In Northern Ireland this rule shall 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.

(5) In Scotland, the returning officer shall, so far as practicable, make use for the purposes of the election of sheriff court and municipal buildings, and the authorities in possession thereof shall be bound to allow that use, without any charge beyond what is necessary to make good damage done.

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 the situation of each polling station and the description of voters entitled to vote thereat and of the mode in which voters are to vote.

(3) In an election in a county constituency, the returning officer shall, on publication of the statement of persons nominated and notice of the poll, deliver to the postmaster of the principal post office where the place for the delivery of nomination papers is situated a paper signed by himself, giving the names of the candidates standing nominated, as the names will appear in the ballot papers, and the day and hours of the poll.

(4) The postmaster shall forward the information contained in the paper by telegraph, free of charge, to all postal telegraph offices situated in the constituency, and the information shall be published forthwith at each office in the manner in which post office notices are usually published.

(*b*) a room the expense of maintaining which is payable out of any rate.

(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 aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render that person liable to be rated or to pay any rate for that house.

(4) The election shall not be held in a church, chapel or other place of public worship.

ACTION TO BE TAKEN BEFORE THE POLL

Notice of poll

19.—(1) Notice of the poll shall be published—

(*a*) at an election of borough councillors other than metropolitan borough councillors, by the mayor;

(*b*) at any other election, by the returning officer,

at the places at which the notice of election is required to be published under rule 4 of these rules.

(2) Notice of the poll shall specify—

(*a*) the day and hours fixed for the poll;

(*b*) the number of councillors to be elected;

(*c*) the particulars of each candidate remaining validly nominated (the names and other particulars of the candidates, and the order of the names of the candidates, being the same as in the statement of persons nominated);

(*d*) the names of all persons signing a candidate's nomination paper;

(*e*) a description of the polling districts (if any); and

(*f*) the situation of each polling station and the description of the persons entitled to vote thereat.

(3) In the case of a candidate nominated by more than one nomination paper the nomination paper mentioned in sub-paragraph (*d*) of paragraph (2) shall be that from which the names and other particulars of the candidate shown in the statement of persons nominated are taken, but the candidate may require the mayor or returning officer, as the case may be, to include in the notice the names of the persons signing a second and third nomination paper.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Death of candidate

24.—(1) If after publication of the statement of persons nominated and before the poll is commenced proof is given to the satisfaction of the returning officer of the death of one of the persons shown as standing nominated, the returning officer shall countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the day on which proof was given to the returning officer of the death:

Provided that no fresh nomination shall be necessary in the case of a person shown in the statement as standing nominated.

(2) Where by reason of the death of a candidate proceedings at an election are commenced afresh under this rule, then in the case of a general election, as in the case of a bye-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 (with the modification required by the foregoing paragraph of any reference to the date on which the writ is received).

Postal ballot papers

25. The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses furnished 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

26.—(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 burghs than one, there shall be at least one polling station in each of those burghs.

(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, so that at least one compartment be provided for every one hundred and fifty electors allotted to the polling station.

Appointment of presiding officers and clerks

27.—(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.

Death of candidate

20. If before the poll is commenced proof is given to the satisfaction of the returning officer—

(*a*) that a person remaining validly nominated has died after the latest time for delivery of nomination papers, or

(*b*) that a person shown in the statement of persons nominated as standing nominated had in fact died before the latest time for delivery of nomination papers,

the returning officer shall countermand the poll and the provisions of subsection (2) of section thirty-six of this Act shall apply to any further election ordered under the local government Act.

Postal ballot papers

21. Rule 25 of the parliamentary elections rules shall apply, but at an election of borough councillors other than metropolitan borough councillors, the mayor shall act instead of the returning officer.

Provision of polling stations

22.—(1) Paragraphs (1) and (2) of rule 26 of the parliamentary elections rules shall apply.

(2) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless the polling place is outside the electoral area.

(3) 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.

(4) At an election of borough councillors other than metropolitan borough councillors, the mayor shall act under this rule instead of the returning officer.

Appointment of presiding officers and clerks

23. Rule 27 of the parliamentary elections rules shall apply, but at an election of borough councillors other than metropolitan borough councillors, appointments of officers and clerks under paragraph (1) thereof shall be made by the mayor and not by the returning officer.

2ND SCH. — *cont.* PARLIAMENTARY ELECTIONS RULES

(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

28. The registration officer shall as soon as practicable prepare the following special lists, namely,—

(*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;

(*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

29.—(1) The returning officer shall as soon as practicable send to electors and their proxies an official poll card:

Provided that an official poll card need not be sent to any person as an elector if he is placed on the absent voters list for the election, or to any person 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, 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 8 of these rules shall apply for the interpretation of this rule.

Special lists

24. The registration officer shall as soon as practicable prepare the following special lists, namely—

(*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;

(*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; 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.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Equipment of polling stations

30.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, 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 thereon the official mark;

(*c*) copies of the register of electors or such part thereof 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 part thereof provided under the last foregoing sub-paragraph.

(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 outside every polling station and in every compartment of every polling station.

Appointment of polling and counting agents

31.—(1) Each candidate may, before the commencement of the poll, appoint polling agents to attend at polling stations for the purpose of detecting personation and counting agents to attend at the counting of the votes:

Provided that the returning officer may limit the number of counting agents, so however that the number shall be the same in the case of each candidate and 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.

(2) 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, in the case of counting agents, 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.

(3) 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.

(4) The foregoing provisions of this rule shall be without prejudice to the requirements of subsection (1) of section sixty of this Act as to the appointment of paid polling agents, and counting agents may be appointed and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

LOCAL ELECTIONS RULES

Equipment of polling stations

25. Rule 30 of the parliamentary elections rules shall apply, but for the references therein to the register of electors there shall be substituted references to the register of electors for the electoral area, and at an election of borough councillors other than metropolitan borough councillors, the mayor shall act instead of the returning officer.

Appointment of polling and counting agents

26.—(1) Rule 31 of the parliamentary elections rules shall apply except that the latest time for giving notices of appointment of polling or counting agents under paragraph (2) of that rule shall be that in the Timetable in these rules.

(2) At an election of metropolitan borough councillors—

(*a*) the appointment of an agent may be on behalf of more than one candidate;

(*b*) not more than one agent shall be appointed to attend on behalf of the same candidate at a polling station or at the counting of the votes;

(*c*) not more than three or, if the number of candidates exceeds twenty, four polling agents shall be appointed to attend at any polling station;

(*d*) the proviso to paragraph (1) of the said parliamentary elections rule shall not apply, but the total number of counting agents appointed shall not exceed nine, or, if the number of candidates exceeds twenty, twelve.

(3) If at an election of metropolitan borough councillors the number of polling agents appointed to attend at a polling station, or the number of counting agents, exceeds the permitted number, only those agents, up to the permitted number, whose appointments are signed by or on behalf of the greater number of candidates, or, in the event of an equality in the number of signatures, only such of those agents as may be determined by the returning officer, shall be deemed to have been duly appointed.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

(5) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents whose appointments have been duly made and notified and, where the number of agents is restricted, who are within the permitted number.

(6) 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.

(7) 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.

(8) 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

32.—(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 thereto as circumstances admit, shall be made by—

(*a*) the returning officer;
(*b*) every officer or 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.

(2) Notwithstanding anything in the foregoing paragraph, the following persons attending at the counting of the votes, that is to say,—

(*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;

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 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 fifty-three of this Act shall be read to the declarant by the person taking the declaration.

Declaration of secrecy

27. Rule 32 of the parliamentary elections rules shall apply.

(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 fifty-three of the Representation of the People Act, 1949, which have been read to me."

THE POLL

Admission to polling station

33.—(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) 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 provisions of this Act in that behalf, 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.

(3) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in station

34.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a constable in or near that station or by any other person authorised in writing by the returning officer to remove him, and the person so removed shall not, without the permission of the presiding officer, 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.

THE POLL

Admission to polling station

28. Rule 33 of the parliamentary elections rules shall apply, and references in paragraph (2) thereof to the returning officer shall, at an election of borough councillors other than metropolitan borough councillors, be taken as including references to the mayor.

Keeping of order in station

29. Rule 34 of the parliamentary elections rules shall apply.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Sealing of ballot boxes

35. 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 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

36.—(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, that is to say—

(*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 bye-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 bye-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 aforesaid 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.

Sealing of ballot boxes

30. Rule 35 of the parliamentary elections rules shall apply.

Questions to be put to voters

31. Paragraphs (1), (3) and (4) of rule 36 of the parliamentary elections rules shall apply but the questions shall be—

(*a*) in the case of a person applying as an elector at an election of a county councillor—

(i) Are you the person registered in the register of local government electors now in force for this electoral division as follows (*read the whole entry from the register*)?

(ii) Have you already voted at the present election of a county councillor [county councillors] for this electoral division (*adding in the case of an ordinary election or a first election of an additional councillor* or for any other electoral division of the county) otherwise than as proxy for some other person?

(*b*) in the case of a person applying as an elector in an election of a borough councillor—

(i) Are you the person registered in the register of local government electors now in force for this borough [ward] as follows (*read the whole entry from the register*)?

(ii) Have you already voted at the present election (*adding in the case of an election for several wards* in this or any other ward) otherwise than as proxy for some other person? [*In London* Have you already voted at the present election of borough councillors for this ward (*adding in the case of an ordinary election or a first election of an additional councillor*, or for any other ward of the borough) otherwise than as proxy for some other person?]

(*c*) in the case of a person applying as proxy at any election—

(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 the present election as proxy on behalf of C.D.?

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Challenge of voter

37.—(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 declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation and 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 thereof 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

38.—(1) A ballot paper shall be delivered to a voter who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be stamped with the official mark, either embossed or perforated;

(*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 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 presence of the presiding officer.

(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

39.—(1) The presiding officer, on the application of—

(*a*) a voter who is incapacitated by blindness or other physical cause from voting in manner directed by these rules; or

(*b*) if the poll is taken on a Saturday, a voter who declares that he is a Jew, and objects on religious grounds to vote in manner directed by these rules; or

LOCAL ELECTIONS RULES

2ND SCH. —*cont.*

Challenge of voter

32. Rule 37 of the parliamentary elections rules shall apply.

Voting procedure

33. Rule 38 of the parliamentary elections rules shall apply and the counterfoil shall be marked with the distinctive letter of the parliamentary polling district in which the elector is registered as well as with the number of the elector.

Votes marked by presiding officer

34. Rule 39 of the parliamentary elections rules shall apply.

(*c*) a voter who declares orally that he is unable to read;

shall, in the presence of the polling agents, cause the vote of the voter 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 name of the voter shall be the number of the elector.

Voting by blind persons.

40.—(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 is satisfied that the voter is so incapacitated and 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 is a qualified person within the meaning of this rule and has not previously assisted more than one blind person to vote at the election, the presiding officer shall grant the application, and thereupon anything which is by these rules required to be done to or by the said 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 twenty-one 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 name of the voter shall be the number of the elector.

(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.

Voting by blind persons

35. Rule 40 of the parliamentary elections rules shall apply.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Tendered ballot papers

41.—(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 name of the voter shall be the number of that elector.

Spoilt ballot papers

42. 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

43.—(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.

Tendered ballot papers

36. Rule 41 of the parliamentary elections rules shall apply and the distinctive letter of the parliamentary polling district in which the elector is registered shall be entered on the tendered votes list as well as his number on the register.

Spoilt ballot papers

37. Rule 42 of the parliamentary elections rules shall apply.

Adjournment of poll in case of riot

38. For the purpose of the adjournment of the poll in the event of riot or open violence, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Procedure on close of poll

44.—(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", "Jews", and "unable to read", and the declarations made by the companions of blind voters;

and shall deliver the packets to the returning officer to be taken charge of by him.

(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.

(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 in the ballot box, unused, spoilt and tendered ballot papers.

COUNTING OF VOTES

Attendance at counting of votes

45.—(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

LOCAL ELECTIONS RULES 2ND SCH. —*cont.*

Procedure on close of poll

39. Rule 44 of the parliamentary elections rules shall apply.

COUNTING OF VOTES

Attendance at counting of votes

40. Rule 45 of the parliamentary elections rules shall apply.

(3) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect thereto, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith.

(4) 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

46.—(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 therein, count and record the number thereof;

(*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, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment:

Provided that he may, in so far as he and the agents agree, exclude the hours between seven o'clock in the evening and nine o'clock on the following morning.

For the purposes of this proviso the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(6) During the excluded time the returning officer shall 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 shall otherwise take proper precautions for the security of the papers and documents.

Re-count

47.—(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.

The count

41. Rule 46 of the parliamentary elections rules shall apply except that—

(*a*) in paragraph (5) thereof, for the words "seven o'clock in the evening" there shall be substituted the words "eight o'clock in the evening";

(*b*) at an election of metropolitan borough councillors, the concurrence required for the interruption of the counting of the votes by the returning officer shall, where counting agents have been appointed to attend on behalf of more than one candidate jointly, be that of the agents unless each of those candidates or his election agent concurs.

Re-count

42. Rule 47 of the parliamentary elections rules shall apply.

(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 the completion thereof have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected ballot papers

48.—(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 by reason thereof 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 of itself identify the voter and it is not shown that he can be identified thereby.

(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;

and any counting agent may copy the statement.

Rejected ballot papers

43.—(1) Any ballot paper—

(*a*) which does not bear the official mark; or

(*b*) on which votes are given for more candidates than the voter is entitled to vote for; 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 this rule, be void and not counted.

(2) Where the voter is entitled to vote for more than one candidate, a ballot paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

(3) A ballot paper on which a 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 by reason thereof be deemed to be void (either wholly or as respects that vote), 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 of itself identify the voter and it is not shown that he can be identified thereby.

(4) The returning officer shall endorse—

(*a*) the word "rejected" on any ballot paper which under this rule is not to be counted; and

(*b*) in the case of a ballot paper on which any vote is counted under paragraph (2) of this rule, the words "rejected in part" and a memorandum specifying the votes counted;

and shall add to the endorsement the words "rejection objected to" if an objection is made by a counting agent to his decision.

(5) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

(*a*) want of official mark;

(*b*) voting for more candidates than voter is entitled to;

(*c*) writing or mark by which voter could be identified;

(*d*) unmarked or wholly void for uncertainty;

(*e*) rejected in part;

and any counting agent may copy the statement.

Decisions on ballot papers

49. 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

50. 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.

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

51.—(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.

(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

52.—(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 shall apply to the certificate.

(3) The returning officer may, on receiving a receipt, deliver the writ with the certificate endorsed thereon 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 thereon.

(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

Decisions on ballot papers

44. Rule 49 of the parliamentary elections rules shall apply.

Equality of votes

45. Rule 50 of the parliamentary elections rules shall apply.

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

46.—(1) In a contested election, when the result of the poll has been ascertained the returning officer shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given, and shall as soon as possible publish the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not.

(2) In an uncontested election, the returning officer shall, not later than eleven o'clock in the morning on the day of election, publish the name or names of the person or persons elected.

The return

47. The returning officer shall forthwith upon declaration of the result of the election return the name of each person elected—

(*a*) at an election of a county councillor other than a London county councillor, to the county returning officer, who shall forthwith return the name to the clerk of the county council;

(*b*) at an election of London county councillors, to the clerk of the London county council;

(*c*) at an election of borough councillors, to the town clerk.

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 thereon shall be attested by the Governor of Northern Ireland, 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

53.—(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 double return and 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

54.—(1) The deposit made under rule 10 of these rules shall either be returned to the person making it or his personal representatives or be forfeited to His Majesty.

(2) Except in the cases hereafter mentioned 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 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 the last foregoing paragraph 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 the three last foregoing paragraphs, 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

Verification of ballot paper account

55.—(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.

PART V

DISPOSAL OF DOCUMENTS

Verification of ballot paper account

48. Rule 55 of the parliamentary elections rules shall apply, but the reference to rejected ballot papers shall include a reference to those rejected in part.

2ND SCH. —*cont.* PARLIAMENTARY ELECTIONS RULES

(2) The returning officer shall then in the presence of the counting agents 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 counting agent may copy.

(3) 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.

Delivery of documents to Clerk of the Crown

56.—(1) The returning officer shall then forward to the Clerk of the Crown the following documents, that is to say—

(*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 statements relating thereto, 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 the 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.

Delivery of documents to clerk of the authority

49. Paragraph (1) of rule 56 of the parliamentary elections rules shall apply but as if—

(*a*) the reference to the Clerk of the Crown were taken to be a reference to the clerk of the authority to which councillors are to be elected; and

(*b*) the reference to the name of the constituency were taken to be a reference to the name of the electoral area.

2ND SCH. —*cont.*

PARLIAMENTARY ELECTIONS RULES

Orders for production of documents

57.—(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 said custody may be made by an election court.

(3) An order under this rule may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the House of Commons or court making the order may think expedient:

Provided that 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 that his vote was given and that the vote has been declared by a competent court to be invalid.

(4) An appeal shall lie to the High Court from any order of a county court made under this rule.

(5) Any power given under this rule 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.

In Northern Ireland, the powers given under this rule 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, 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 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 thereon 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

Orders for production of documents

50.—(1) An order—

(*a*) for the inspection or production of any rejected ballot papers, including ballot papers rejected in part; 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 for the inspection of counted ballot papers,

may be made by either a county court having jurisdiction in the county or borough, as the case may be, or any part thereof, or an election court, if the court is 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.

(2) The order may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the court making the order may think expedient and may direct the clerk of the authority having custody of the ballot papers and the sealed packets of counterfoils and certificates to retain them intact for such period as may be specified in the order:

Provided that in making and carrying into effect the order, 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 that his vote was given and the vote has been declared by a competent court to be invalid.

(3) An appeal shall lie to the High Court from any order of a county court made under this rule.

(4) Any power given under this rule to a county court may be exercised by any judge of the court otherwise than in open court.

(5) Paragraphs (6), (7) and (8) of rule 57 of the parliamentary elections rules shall apply but with the substitution of the clerk of the authority for the Clerk of the Crown.

Retention and public inspection of documents

51.—(1) The clerk of the authority shall retain for six months among the records of the authority all documents relating to an election which are, in pursuance of these rules, forwarded to him by a returning officer or held by him and then, unless otherwise directed by an order under the last foregoing rule, shall cause them to be destroyed.

(2) The said documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall during a period of six months from the day of election be open to public inspection at such time and in such manner as may be determined by the authority with the consent of the Secretary of State.

(3) The clerk of the authority 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 determined by the authority with the consent of the Secretary of State.

of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(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

58.—(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) The said 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

59. In Scotland, the documents mentioned in sub-paragraphs (*a*) to (*e*) of paragraph (1) of rule 56 of these rules shall, instead of being forwarded to the Clerk of the Crown, be kept by the sheriff clerk for the county comprising the constituency or, if the constituency comprises the whole or part of more counties than one, the sheriff clerk of such of one of those counties as the Secretary of State may by order appoint, and the provisions of rules 57 and 58 of these rules shall apply to those documents with the substitution of that sheriff clerk for the Clerk of the Crown.

Disposal of documents in Northern Ireland

60. 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.

Supplemental provisions as to documents

52. Subject to the provisions of these rules, the clerk of the authority shall in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of these rules, be subject to the directions of the authority.

PART VI

SUPPLEMENTAL

General duty of returning officer or mayor

53. It shall be the general duty of the mayor at an election of borough councillors other than metropolitan borough councillors, and of the returning officer at any other election, to do any act or thing that may be necessary for effectually conducting the election under these rules.

Discharge of functions of mayor

54. Any act or thing required by these rules to be done by, to or before the mayor of a borough, other than a metropolitan borough, may, in any case in which the office of mayor is vacant or the mayor is for any reason unable to act, be done by, to or before the deputy mayor of the borough, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, by to or before such alderman of the borough as the council of the borough may choose for that purpose.

Construction

55. The parliamentary elections rules and the local elections rules shall be construed separately, but where any local elections rule applies a provision of the parliamentary elections rules, it shall be taken as requiring that that provision shall, subject to any modifications required by the local elections rule, have effect as if also enacted in the local elections rules.

2ND SCH. —*cont.*

APPENDIX

Note.—The forms contained in this Appendix may be adapted so far as circumstances require.

Form of writ for parliamentary elections

**The name of the sovereign may be altered when necessary.*

*George the Sixth, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, to the Returning Officer for the Constituency, Greeting:

†This preamble to be omitted except in case of a general election.

†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.

‡Except in a general election insert here in the place of A.B., deceased *or otherwise, stating the cause of vacancy.*

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.*)

APPENDIX

2ND SCH. —*cont.*

Form of notice of parliamentary 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 ten in the morning and three in the afternoon (or on a Saturday between those of ten in the morning and noon) 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 aforesaid. 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 the Second Schedule to the Representation of the People Act, 1949.

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, 1949.

2ND SCH. —*cont.*

APPENDIX

Form of nomination paper for a parliamentary election

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	Place of Residence	Description
BROWN ...	John Edward ...	52, George Street, Bristol.	Merchant

Signature	Electoral Number (See note 3)
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.....	.....

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 the Second Schedule to the Representation of the People Act, 1949.

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.

APPENDIX

2ND SCH. —*cont.*

Form of Ballot Paper

Form of Front of Ballot Paper

Counterfoil No.

The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.

1	BROWN (JOHN EDWARD Brown, of 52, George Street, Bristol, merchant.)	
2	BROWN (THOMAS WILLIAM Brown, of 136, London Road, Swindon, salesman.)	
3	JONES (William David Jones, of High Elms, Wilts., gentleman.)	
4	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)	
5	SMITH (Mary Smith, of 72 High Street, Bath, married woman.)	

Form of Back of Ballot Paper

No.

Election for the [Constituency] [ ] [borough of electoral division of the county of] [ward of the borough of] day of , 19 .

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

2ND SCH. —*cont.*

APPENDIX

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 residence 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 may vote for not more than one* candidate.

2. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

3. 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

**To be modified for a local government election where there is more than one vacancy.*

4. 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.

5. 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.

6. 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.

APPENDIX

2ND SCH. —*cont.*

7. 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 (*for a local government election add* or to a fine not exceeding twenty pounds, or to both such imprisonment and such fine).

Note.—These directions when used for a parliamentary election shall be illustrated by examples of the ballot paper.

Form of declaration to be made by the companion of a blind voter at a parliamentary election

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 twenty-one 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.

Form of declaration to be made by the companion of a blind voter at a local government election

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.*) who is numbered on the register of local government electors for the [electoral division of the county of] [borough of] [ward of the borough of], to record his vote at the election now being held for the said [electoral division] [borough] [ward], do hereby declare that [I am entitled to vote as an elector at the said election] [I am the* of the said

**State the relationship of the companion to the voter.*

2ND SCH. —*cont.* APPENDIX

voter and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except *E. F.*, of], to vote at the said election.

(Signed), *A. B.*

day of , 19 .

I, the undersigned, being the presiding officer for the polling station for the [electoral division of the county of] [borough of] [ward of the borough of], do 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 ,

at 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.

SCOTTISH LOCAL ELECTIONS RULES

Sections 30, 31 and 32.

THIRD SCHEDULE

RULES FOR CONDUCT OF A LOCAL GOVERNMENT ELECTION IN SCOTLAND

Arrangement of rules

PART I

PROVISIONS AS TO TIME

Rule
1. Timetable.
2. Computation of time.
3. Hours of poll.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

4. Notice of election.
5. Nomination of candidates.
6. Restrictions on subscribing nomination papers.
7. Validity of nomination papers.
8. Withdrawal of nominations.
9. Nomination in more than one electoral area.
10. Method of election and notice of uncontested election.

PART III

CONTESTED ELECTIONS

General provisions

11. Poll to be taken by ballot.
12. The ballot papers.
13. The official mark.
14. Prohibition of disclosure of vote.
15. Use of schools and public rooms.
16. General duty of returning officer.

Action to be taken before the poll

17. Notice of poll.
18. Death of candidate after time for delivery of nomination papers.
19. Postal ballot papers.
20. Provision of polling stations.
21. Appointment of presiding officers and clerks.
22. Special lists.
23. Equipment of polling stations.
24. Appointment of polling and counting agents.
25. Declaration of secrecy.

The poll

26. Admission to polling station.
27. Keeping of order in station.
28. Sealing of ballot boxes.
29. Questions to be put to voters.
30. Challenge of voter.

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

Rule
31. Voting procedure.
32. Votes marked by presiding officer.
33. Voting by blind persons.
34. Tendered ballot papers.
35. Spoilt ballot papers.
36. Adjournment of poll in case of riot.
37. Procedure on close of poll.

Counting of votes

38. Attendance at counting of votes.
39. The count.
40. Re-count.
41. Rejected ballot papers.
42. Decisions on ballot papers.
43. Equality of votes.

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

44. Declaration of result.
45. The return.

PART V

DISPOSAL OF DOCUMENTS

46. Verification of ballot paper account.
47. Documents to be forwarded to or retained by county clerk or town clerk.
48. Orders for production of documents.
49. Retention and public inspection of documents.
50. Directions of county council or town council.

PART VI

APPLICATION OF RULES TO DISTRICT COUNCIL ELECTIONS

51. Hours of poll.
52. Polling stations and officials.
53. Arrangements for giving out and receiving papers.
54. Publication of notices.
55. The return.

APPENDIX

FORMS FOR USE AT THE ELECTION OF COUNTY COUNCILLORS OR OF TOWN COUNCILLORS

Form
A I—III Form of notice of election.
B I—III Form of nomination paper.
C Form of notice of withdrawal.
D I—III Form of notice of uncontested election.
E I—III Form of notice of poll
F Form of ballot paper ; and directions as to printing the ballot paper.
G Form of directions for the guidance of the voters in voting.
H Form of declaration of secrecy.
I Form of declaration to be made by the companion of a blind voter.

SCOTTISH LOCAL ELECTIONS RULES

3RD SCH. —*cont.*

PART I

PROVISIONS AS TO TIME

Timetable

1. The proceedings at the election shall be conducted in accordance with the following Timetable—

Proceeding.	Time
Publication of notice of election.	On or within seven days before the fourth Tuesday preceding the day of election.
Delivery of nomination papers.	Not later than 4 o'clock afternoon on the third Tuesday preceding the day of election.
Delivery of notice of withdrawal of nomination.	Not later than 4 o'clock afternoon on the second Tuesday preceding the day of election.
Notice in case of uncontested election and notice of poll in contested election.	Not later than the Friday preceding the day of election.
Giving of notice of appointment of polling or counting agents.	Not later than the fourth day before the day of election.

Computation of Time

2.—(1) Where the day or the last day on which anything is required or permitted by these rules to be done 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 those days.

(2) In computing the period of four days mentioned in the Timetable in relation to the appointment of polling or counting agents, the before-mentioned days, other than a public holiday, shall be disregarded.

(3) Nothing in this rule shall apply in relation to the counting of the votes and the other proceedings of the returning officer after the close of the poll or to things done by other persons in the course of those proceedings, but the returning officer shall not be obliged to proceed with the counting on any of the days mentioned in paragraph (1) of this rule.

Hours of Poll

3.—(1) The poll shall, subject as hereinafter provided, commence at eight o'clock in the morning and shall be kept open until eight o'clock in the afternoon of the same day and no longer.

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

(2) If within the time for delivery of notices of withdrawal of nominations—

(*a*) the appropriate council resolve; or

(*b*) there is delivered at the place at which such notices as aforesaid are required to be delivered a notice signed by the candidate or candidates authorised as hereinafter mentioned, requesting,

that the poll in any electoral area shall—

(i) commence at seven o'clock in the morning; or

(ii) be kept open until nine o'clock in the afternoon; or

(iii) commence at seven o'clock in the morning and be kept open until nine o'clock in the afternoon;

the poll in that area shall commence or be kept open in accordance with such resolution or notice.

(3) For the purposes of the last foregoing paragraph—

(*a*) the appropriate council shall be, in relation to the election of a county councillor, the county council and, in relation to the election of a town councillor or councillors, the town council; and

(*b*) the candidate or candidates authorised shall be in the case of an election where only one councillor is to be elected a candidate nominated at that election, and in the case of any other election a number of candidates nominated at the election not being less than the number of councillors to be elected.

(4) A resolution under paragraph (2) of this rule shall not be passed unless the council are satisfied that the extension of the hours during which the poll is to be open is necessary in order to afford all the electors such reasonable facilities for voting as are practicable in the circumstances, and a notice signed by a candidate under the said paragraph shall be of no effect if the candidate is not validly nominated or withdraws or is deemed to have withdrawn from his candidature or if the candidate or candidates signing the notice withdraws or withdraw the request by a notice signed by him or them and delivered at the place and within the time for delivery of notices of withdrawals of nominations.

(5) Where the poll at an election of a district councillor or district councillors for any electoral division or any ward thereof is required to commence earlier or to be kept open later than the hours specified in paragraph (1) of this rule, the requirement shall apply to the poll at the election of a county councillor for that electoral division or to the poll in that ward, as the case may be.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of Election

4.—(1) Notice of the election shall—

(*a*) in the case of an election of county councillors, be prepared and signed by the county clerk and published by him by causing the notice or a copy thereof to be conspicuously displayed at or near the entrance to the county buildings or the premises where the meetings of the county council are ordinarily held, and also either by causing copies of the notice to be posted up throughout the landward area of the county or by inserting a copy of the notice at least once in one or more newspapers circulating in the county ; and

(*b*) in the case of an election of town councillors, be prepared and signed by the town clerk and published by him by causing the notice or a copy thereof to be conspicuously displayed at or near the entrance to the town hall or the premises where the meetings of the town council are ordinarily held, and also either by causing copies of the notice to be posted up throughout the burgh or by inserting a copy of the notice at least once in one or more newspapers circulating in the burgh.

(2) The notice of election shall be in the appropriate form contained in the Appendix to these rules or in a form substantially to the like effect.

Nomination of Candidates

5.—(1) It shall not be competent to elect to the office of county councillor or of town councillor any person unless a nomination paper in respect of him is delivered in the case of an election of a county councillor to the returning officer at the place specified in the notice of election, or in the case of an election of town councillors to the town clerk at his office, not later than the time appointed for that purpose by the Timetable in these rules.

(2) The nomination paper shall be in the appropriate form contained in the Appendix to these rules, or in a form substantially to the like effect.

(3) The nomination paper in the case of an election of a county councillor shall state—

(*a*) if the name of the candidate appears in the register of local government electors for any electoral division within the county or for any burgh within the county, the name and address and number on the register of the candidate as appearing in such of the said registers as is specified in the nomination paper, placing the surname first ;

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

(*b*) if the name of the candidate does not appear in any of the said registers, the full name of the candidate (with his surname first) and his place of residence within the county (including any such burgh as aforesaid) and such information with respect to his place of residence during the twelve months before the date of the nomination as will show whether he has during the whole of the said twelve months resided within the county (including any such burgh as aforesaid);

(*c*) whether, to the best of the knowledge, information and belief of the proposers, the candidate is of full age and a British subject or citizen of the Republic of Ireland and not subject to any legal incapacity, and, in particular, whether any of the disqualifications set forth in section fifty-two of the Local Government (Scotland) Act, 1947, applies in his case;

and shall be subscribed by two proposers being local government electors for the electoral division to which the nomination applies.

(4) The nomination paper in the case of an election of town councillors for a burgh or in the case of a burgh divided into wards for a ward shall state—

(*a*) if the name of the candidate appears in the register of local government electors for the burgh, the name and address and number on the register of the candidate as appearing in the said register, placing his surname first;

(*b*) if the name of the candidate does not appear in the said register, the full name of the candidate (with his surname first) and his place of residence within the burgh and such information with respect to his place of residence during the twelve months before the date of his nomination as will show whether he has during the whole of the said twelve months resided within the burgh;

(*c*) whether, to the best of the knowledge, information and belief of the proposers, the candidate is of full age and a British subject or citizen of the Republic of Ireland and not subject to any legal incapacity, and, in particular, whether any of the disqualifications set forth in section fifty-two of the Local Government (Scotland) Act, 1947, applies in his case;

and shall be subscribed by two proposers, being two local government electors for the burgh or, in the case of a burgh divided into wards, for the ward to which the nomination applies, and shall also be subscribed by five other local government electors for the burgh or ward, as the case may be, as assenting to the nomination.

(5) Where a nomination paper bears the signature of more than the required number of persons as proposing 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.

(6) The nomination paper shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him, consenting to be nominated as a candidate and undertaking that, if elected, he will accept office as a councillor and will faithfully perform the duties of the office, and a statement whether he is of full age and a British subject or citizen of the Republic of Ireland and not subject to any legal incapacity, and, in particular, whether any of the disqualifications set forth in section fifty-two of the Local Government (Scotland) Act, 1947, applies in his case.

(7) It shall not be competent to nominate as a candidate at an election of town councillors a person who at the time of nomination holds the office of town councillor of the burgh, unless he falls to retire at the date of the election or has delivered to the town clerk a notice of resignation to take effect at or before the date of the election.

Restrictions on subscribing nomination papers

6.—(1) No person shall at an election of a county councillor subscribe more than one nomination paper in respect of the same electoral division, and if he does so his signature shall be operative only in the case of the paper which is first delivered.

(2) No person shall at an election of town councillors subscribe more than one nomination paper in respect of the same candidate, nor shall he subscribe more nomination papers than there are vacancies to be filled in the burgh or, if the burgh is divided into wards, in the ward, and if he subscribes nomination papers otherwise than is permitted under this paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered.

(3) Notwithstanding anything in the foregoing provisions of this rule, a person 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.

(4) The returning officer shall not sign any nomination paper as proposer, assenter, candidate or solicitor for a candidate and if he does so, his signature shall be inoperative.

Validity of nomination papers

7. The returning officer in the case of an election of a county councillor, and the town clerk in the case of an election of a town councillor, shall receive a nomination paper and deal with it as valid, if—

(*a*) the name and address of the person nominated by the nomination paper appear in the register of local government electors for any part of the county or burgh, as the case may be, or, if the name and address of the person nominated do not so appear, the place of his residence is within the county or burgh, as the case may be, and it is declared in or appears from the nomination paper that he has during

the whole of the twelve months preceding the date of nomination resided within the county or burgh, as the case may be; and

(*b*) it appears from the declarations in the nomination paper that the person nominated is of full age and a British subject or citizen of the Republic of Ireland and not subject to any legal incapacity and that none of the disqualifications set forth in section fifty-two of the Local Government (Scotland) Act, 1947, applies in his case; and

(*c*) the names and addresses of the proposers and (in the case of an election of a town councillor) the assenters in the nomination paper appear in the register of local government electors for the electoral division or burgh, or in the case of a burgh divided into wards for the ward, to which the nomination paper relates; and

(*d*) the nomination paper is in or substantially in the form and contains the particulars required by these rules; and

(*e*) the nomination is not invalid by reason of any of the provisions of paragraph 7 of rule 5, or rule 6, of these rules,

but if the nomination paper does not comply with the foregoing provisions of this rule, the returning officer or town clerk, as the case may be, shall reject it and it shall be null and void. For the purpose of this rule, a county shall include every burgh within the county.

Withdrawal of Nominations

8.—(1) A nomination may be withdrawn by notice of withdrawal delivered to the returning officer or the town clerk, as the case may be, at the place appointed for the delivery of nomination papers:

Provided that a nomination may not be withdrawn if its effect would be to reduce the total number of persons nominated for the election below the number necessary to supply the vacancies to be filled up in the electoral division, burgh or ward, as the case may be, at that election, and notices of withdrawal shall take effect in the order in which they are delivered.

(2) A notice of withdrawal shall be in the appropriate form contained in the Appendix to these rules or in a form substantially to the like effect and shall be signed by the candidate or by a solicitor duly authorised by him and shall be attested by two witnesses.

(3) In the case of a candidate who is outside the United Kingdom, a notice of withdrawal signed by the proposer whose name appears first on the candidate's nomination paper (in this paragraph referred to as a "principal 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 for the purpose of this rule as a notice of withdrawal signed by the candidate:

Provided that where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if,—

(*a*) it and the accompanying declaration are signed by all the principal proposers except any who is, and is stated in the said declaration to be, outside the United Kingdom; or

(*b*) it is accompanied, in addition to the said 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.

(4) If a candidate dies after his nomination and before the latest time for delivery of nomination papers his nomination shall be deemed to have been withdrawn, and the election shall proceed as if he had not been nominated.

Nomination in more than one Electoral Division of a County or Ward of a Burgh.

9. A candidate who is validly nominated for more than one electoral division of a county or for more than one ward of a burgh shall, by notice signed, attested and delivered as aforesaid, withdraw from his candidature in all those electoral divisions or wards, as the case may be, except one, and if he does not so withdraw within the time for delivery of notices of withdrawal, the returning officer shall at the end of that time declare for which of those electoral divisions or wards, as the case may be, for which the candidate remains validly nominated the candidate shall stand for election, and the candidate shall be deemed to have duly withdrawn his candidature in those other electoral divisions or wards.

Method of Election and Notice of Uncontested Election

10.—(1) In the case of an election of a county councillor—

(*a*) if two or more persons remain validly nominated for an electoral division after any withdrawals under these rules, the county councillor for that division shall be elected from among them at a poll under Part III of these rules ;

(*b*) if one person only remains validly nominated as aforesaid, the returning officer shall cause public notice to be given that there will be no poll in that division and that on the day appointed for declaring the result of the election that person shall be declared to be elected a county councillor.

(2) In the case of the election of town councillors—

(*a*) if the number of persons remaining validly nominated after any withdrawals under these rules exceeds the number of vacancies in the burgh or in the ward, the town councillors for the burgh or for the ward, as the case may be, shall be elected from among them at a poll under Part III of these rules ;

(*b*) if the number of persons remaining validly nominated as aforesaid does not exceed the number of vacancies in the burgh or in any ward, the town clerk shall cause public notice to be given that there will be no poll in the burgh or ward, as the case may be, and that on the day appointed for declaring the result of the election those persons shall be declared to be elected town councillors.

(3) The public notice to be given under this rule shall be in the appropriate form contained in the Appendix to these rules or in a form substantially to the like effect, and shall, except where in the circumstances it is not appropriate, be combined with the public notice of poll to be given under rule 17 of these rules and shall be published in like manner as the said notice of poll.

(4) If a person whose name has been included in a notice given under paragraph (1) (*b*) or paragraph (2) (*b*) of this rule dies before the declaration of the result of the election, the provisions of the Local Government (Scotland) Act, 1947, shall apply in the case of an election of a county councillor as if no person had remained validly nominated, and in the case of an election of town councillors as if the number of persons validly nominated were less than the number of vacancies.

PART III

CONTESTED ELECTIONS

GENERAL PROVISIONS

Poll to be taken by ballot

11. 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 or candidates to whom the majority of votes have been given shall be declared to have been elected.

The ballot papers

12.—(1) The ballot of every voter shall consist of a ballot paper, and the persons remaining validly nominated for the electoral area after any withdrawals under these rules, and no others, shall be entitled to have their names inserted in the ballot paper.

(2) Every ballot paper shall be in the form contained in the Appendix to these rules or in a form substantially to the like effect, and shall be printed in accordance with the directions therein, and—

(*a*) shall contain the full names of the candidates and their addresses or places of residence as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names ;

(*b*) shall be capable of being folded up ;

(*c*) shall have a number printed on the back ; and

(*d*) shall have attached a counterfoil with the same number printed on the face.

(3) For the purposes of the last foregoing paragraph, the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

The official mark

13.—(1) Every ballot paper shall be marked with an official mark, which shall be either embossed or perforated.

(2) The official mark shall be kept secret and an interval of not less than four years shall intervene between the use of the same official mark at elections for the same county or burgh, as the case may be.

Prohibition of disclosure of vote

14. No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he voted.

Use of Schools and Public Rooms

15.—(1) The returning officer may use free of charge for the purpose of taking the poll or of counting the votes—

(*a*) a room in a school other than an independent school within the meaning of the Education (Scotland) Act, 1946; and

(*b*) a room the expense of maintaining which is payable by any county, town or district council:

Provided that nothing in this paragraph shall authorise the use of a room used as part of a private dwelling-house.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the authority or person having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated for occupiers' rates or to pay any such rates for that house.

(4) An election shall not be held in any premises exclusively appropriated to public religious worship.

General Duty of Returning Officer

16. It shall be the general duty of the returning officer to do any act or thing that may be necessary for effectually conducting the election under these rules.

ACTION TO BE TAKEN BEFORE THE POLL

Notice of Poll

17.—(1) In the case of an election of a county councillor the returning officer, and in the case of an election of town councillors the town clerk, shall give public notice of the poll, which notice shall be in the appropriate form contained in the Appendix to these rules, or in a form substantially to the like effect. The said notice shall, except where in the circumstances it is not appropriate, be combined with the notice in the case of an uncontested election under rule 10 of these rules.

(2) The notice of poll shall give the names of all persons (whether proposers or assenters) signing a candidate's nomination paper, and, in the case of a candidate nominated by more than one nomination paper, the candidate may require the returning officer or town clerk to include in the notice of the poll the names of the persons signing a second and third nomination paper.

(3) A notice of poll required to be published under this rule shall be published at the places at which and in the manner in which the notice of the election is required to be published under rule 4 of these rules.

Death of Candidate after Time for Delivery of Nomination Papers

18. If at or after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

Postal Ballot Papers

19. The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses furnished 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

20.—(1) The returning officer shall provide a sufficient number of polling stations for the electors and allot the electors to the polling stations in such manner as he thinks most convenient, so however that it shall not be necessary that a polling station for an electoral division or a ward of a burgh or a polling district be within the division, ward or district, as the case may be.

(2) One or more polling stations may be provided in the same building or in the same room.

(3) The polling station allotted to electors from any parliamentary polling district wholly or partly within the electoral area shall, in the absence of special circumstances, be in the parliamentary polling place for that district, unless the polling place is outside the electoral area.

(4) 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

21.—(1) The returning officer shall appoint a presiding officer to preside 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 by the clerks appointed to assist him do any act 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

22. The registration officer shall as soon as practicable prepare the following special lists for the purposes of the election, namely,—

(*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;

(*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; 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.

Equipment of Polling Stations

23.—(1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put therein but cannot be withdrawn therefrom 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 thereon the official mark;

(*c*) copies of the register of electors for the electoral division, burgh or ward, as the case may be, or such part thereof 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 part thereof provided under the last foregoing sub-paragraph; and

(*e*) copies of forms of declarations and other documents required for the purposes of the poll.

(4) A notice in the form contained in the Appendix to these rules or in a form substantially to the like effect, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment of every polling station.

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SCOTTISH LOCAL ELECTIONS RULES

Appointment of Polling and Counting Agents

24.—(1) Each candidate may appoint one polling agent to attend at each polling station for the purpose of detecting personation and counting agents to attend at the counting of the votes:

Provided that the returning officer may limit the number of counting agents, so however that the number shall be the same in the case of each candidate and 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.

(2) Notice in writing of every appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer.

(3) 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 so appointed.

(4) The foregoing provisions of this rule shall be without prejudice to the requirements of subsection (1) of section sixty of this Act as to the appointment of paid polling agents, and counting agents may be appointed and the notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(5) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents whose appointments have been duly made and notified and, where the number of agents is restricted, who are within the permitted number.

(6) 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, but where a candidate has no counting agent any such notice shall be given to the candidate.

(7) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised or required to do or may assist his agent in doing any such act or thing.

(8) Where by these rules any act or thing is required or authorised to be done in the presence of the agents of the candidates, 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

25.—(1) Before the opening of the poll a declaration of secrecy in the appropriate form in the Appendix to these rules, or in a form substantially to the like effect, shall be made by—

(*a*) the returning officer;

(*b*) every presiding officer or 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.

(2) Notwithstanding anything in the foregoing paragraph, the following persons attending at the counting of the votes, that is to say,—

(*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;

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 person becoming obliged to make a declaration by reason of his appointment after the opening of the poll shall make the declaration before acting under the appointment.

(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 fifty-three of this Act shall be read to the declarant by the person taking the declaration.

THE POLL

Admission to Polling Station

26.—(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) 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 provisions of this Act in that behalf, 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.

(3) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of Order in Station

27.—(1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station or fails to obey the lawful orders of the presiding officer, he may immediately by order of the presiding officer be removed from the polling station by a constable or by any other person authorised in writing

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

by the returning officer to remove him; and the person so removed shall not without the permission of the presiding officer 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 taken into custody by a constable 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

28. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station so that they may see that it is empty, and shall then lock it and place his seal upon it in such manner as to prevent it 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

29.—(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, that is to say:—

(*a*) In the case of a person applying as an elector at an election of a county councillor—

(i) Are you the person registered in the register of local government electors now in force for this electoral division as follows (*read the whole entry from the register*)?

(ii) Have you already voted at the present election of a county councillor for this electoral division or for any other electoral division of the county otherwise than as proxy for some other person?

(*b*) In the case of a person applying as an elector at an election of town councillors—

(i) Are you the person registered in the register of local government electors now in force for this burgh [ward] as follows (*read the whole entry from the register*)?

(ii) Have you already voted at the present election (*adding in the case of an election for several wards* in this or any other ward) otherwise than as proxy for some other person?

(*c*) In the case of a person applying as proxy at any election—

(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 the present election as proxy on behalf of C.D.?

(2) 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.

(3) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

SCOTTISH LOCAL ELECTIONS RULES 3RD SCH. —*cont.*

Challenge of Voter

30.—(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 declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, it shall be lawful for the presiding officer to order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable to take the applicant into custody without a warrant.

(2) A person against whom a declaration is made under this rule shall not by reason thereof be prevented from voting.

Voting Procedure

31.—(1) A ballot paper shall be delivered to a voter who applies therefor, and immediately before delivery—

(*a*) the ballot paper shall be marked with the official mark, either embossed or perforated;

(*b*) the number, name and address 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 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 voter 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 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 presence of the presiding officer.

(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

32.—(1) The presiding officer, on the application of—

(*a*) a voter who is incapacitated by blindness or other physical cause from voting in manner directed by these rules; or

(*b*) if the poll is taken on a Saturday, a voter who declares that he is a Jew, and objects on religious grounds to vote in manner directed by these rules; or

(*c*) a voter who declares orally that he is unable to read;

shall, in the presence of the polling agents, cause the vote of the voter to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

(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 name of the voter shall be the number of the elector.

Voting by blind persons

33.—(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 is satisfied that the voter is so incapacitated and 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 is a qualified person within the meaning of this rule and has not previously assisted more than one blind person to vote at the election, the presiding officer shall grant the application, and thereupon anything which is by these rules required to be done to or by the said 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 twenty-one years.

(4) The name and number on 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 name of the voter shall be the number of the elector.

(5) The declaration made by the companion—

(*a*) shall be in the appropriate form in the Appendix to these rules or in a form substantially to the like effect;

(*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

34.—(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 on 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 name of the voter shall be that of the elector.

Spoilt Ballot Papers

35. 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 up (in these rules called "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Adjournment of poll in case of riot

36. Where the proceedings at any polling station are interrupted or obstructed by any riot or open violence, the presiding officer may adjourn the poll at that polling station until the following day or some other convenient time, and if necessary may repeat such adjournment until such interruption or obstruction has ceased, and where the poll has been so adjourned, the presiding officer shall forthwith give notice of such adjournment to the returning officer who shall not finally declare the result of the election until the poll so interrupted or obstructed is closed and the various packets are delivered to the returning officer as provided in the next following rule.

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

Procedure on Close of Poll

37.—(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 his polling station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached ;

(*b*) the unused and spoilt 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," "Jews," and "unable to read," and the declarations made by the companions of blind voters ;

and shall deliver the packets to the returning officer to be taken charge of by him.

(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.

(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 in the ballot box, unused, spoilt, and tendered ballot papers.

COUNTING OF VOTES

Attendance at Counting of Votes

38.—(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) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect thereto, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection therewith.

(4) 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

39.—(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 therein, count and record the number thereof, checking the number against the ballot paper account;

(*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 so far as practicable proceed continuously with counting the votes, allowing only time for refreshment; but he may, if he thinks fit and without the consent of any candidate or other person, decide not to proceed with the counting of the votes until nine o'clock on the succeeding morning. During the period until he proceeds with the counting the returning officer shall take proper precautions for the safe custody and security of the ballot papers and other documents.

Re-count

40.—(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 steps shall be taken on the completion of the counting or any re-count of the votes until the candidates and election agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this rule.

Rejected Ballot Papers

41.—(1) Any ballot paper—

(*a*) which does not bear the official mark ; or

(*b*) on which votes are given for more candidates than the voter is entitled to vote for ; 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 be counted.

(2) A ballot paper on which a 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 by reason thereof be deemed to be void (either wholly or as respects that vote), 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 of itself identify the voter and it is not shown that he can be identified thereby.

(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 any counting agent to his decision.

(4) The returning officer shall draw up a statement showing the number of ballot papers rejected and not counted by him under the several heads of—

(*a*) want of official mark ;

(*b*) voting for more candidates than voter is entitled to ;

(*c*) writing or mark by which voter could be identified ;

(*d*) unmarked or void for uncertainty ;

and any counting agent may copy the statement.

Decisions on Ballot Papers

42. The decision of the returning officer on any question arising in respect of any ballot paper shall be final but shall be subject to review on an election petition.

Equality of Votes

43. 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.

PART IV

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of Result

44. Subject to the provisions of rule 36 of these rules, the returning officer shall—

(*a*) in the case of an election of a county councillor, within the county buildings or other public hall or place in the county forthwith declare to be elected the candidate to whom the majority of votes have been given at the poll or the candidate elected without a poll in terms of rule 10 of these rules, and cause a written or printed statement thereof signed by him to be immediately thereafter conspicuously displayed at or near the entrance to the county buildings or the premises where the meetings of the county council are ordinarily held; and

(*b*) in the case of an election of town councillors, within the town hall or other public hall or place in the burgh not later than eight o'clock afternoon of the day after the election declare to be elected the candidates to whom the majority of votes have been given at the poll and also the candidates elected without a poll in terms of rule 10 of these rules, and cause a written or printed statement thereof signed by him to be immediately thereafter conspicuously displayed at or near the entrance to the town hall or the premises where the meetings of the town council are ordinarily held.

The Return

45. The returning officer shall forthwith upon declaration of the result of the election return the names of the persons elected in the case of an election of a county councillor to the county clerk, and in the case of an election of town councillors to the town clerk, and in either case the returning officer shall forthwith give or cause to be given notice in writing of their election to the persons elected.

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

PART V

DISPOSAL OF DOCUMENTS

Verification of ballot paper account

46.—(1) Upon 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) If required by a candidate or a counting agent, the returning officer shall in the presence of the counting agents verify each ballot paper account by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his possession, and the tendered votes list (opening and re-sealing the packets containing the unused and spoilt ballot papers and the tendered votes list). The returning officer shall draw up a statement as to the result of any verification required, which any counting agent may copy.

(3) The returning officer shall not open the sealed packets containing the tendered ballot papers, the marked copies of the register of electors and the list of proxies or the counterfoils and certificates as to employment on duty on the day of the poll.

Documents to be forwarded to or retained by County Clerk or Town Clerk

47. The returning officer shall forward to the county clerk in the case of an election of a county councillor, or to the town clerk in the case of an election of town councillors, or where the county clerk or the town clerk is the returning officer he shall retain, all the following documents, that is to say—

(*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 statements relating thereto, 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 it relates and the name of the electoral area for which the election was held.

Orders for Production of Documents

48.—(1) An order—

(*a*) for the inspection or production of any rejected ballot papers ; or

(*b*) for the opening of the sealed packets of counterfoils and certificates as to employment on duty on the day of the poll or for the inspection of counted ballot papers,

may be made by the sheriff (excluding a sheriff substitute) having jurisdiction in the county or burgh, as the case may be, on being 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.

(2) The order may be made subject to such conditions as to persons, time, place and mode of inspection, production or opening as the sheriff may think expedient, and may direct the county clerk or the town clerk, as the case may be, having custody of the ballot papers and the sealed packet of counterfoils and certificates to retain them intact for such period as may be specified in the order.

Provided that in making and carrying into effect the order, 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 that his vote was given and the vote has been declared by a competent court to be invalid.

(3) An appeal shall lie to the Court of Session from any order of a sheriff made under this rule.

(4) Any power given to a sheriff by this rule may be exercised otherwise than in open court.

(5) Where an order is made for the production by the county clerk or town clerk of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered in such manner as may be directed by the order shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by that clerk or his agent shall be prima facie evidence of those papers being what they are stated to be by the endorsement.

(6) 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 thereon 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 that election had affixed to his name in the register of electors at that election the same number as the number written on that counterfoil.

(7) Except by order of a sheriff or of the Court of Session made under this rule, no person shall be allowed to inspect any rejected or counted ballot papers in the custody of the county clerk or the town clerk, as the case may be, or to open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

49.—(1) The county clerk or the town clerk, as the case may be, shall retain for six months among the records of the county or burgh all documents relating to an election forwarded to him by the returning officer or retained by him in pursuance of these rules and then, unless otherwise directed by an order made under the last foregoing rule, shall cause them to be destroyed.

(2) All the documents retained under this rule other than ballot papers, counterfoils and certificates as to employment on duty on the day of the poll shall during a period of six months from the day of election be open to public inspection at such time and in such manner as may be determined by the county council or town council with the consent of the Secretary of State.

(3) The county clerk or town clerk shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council or town council with the consent of the Secretary of State.

Directions of County Council or Town Council

50. Subject to the provisions of these rules, the county clerk or the town clerk shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of these rules, be subject to the directions of the county council or the town council, as the case may be.

PART VI
APPLICATION OF RULES TO DISTRICT COUNCIL ELECTIONS

Hours of Poll

51.—(1) The appropriate council for the purposes of paragraph (2) of rule 3 of these rules shall, in relation to the election of a district councillor or district councillors, be the county council.

(2) Where in pursuance of the said rule 3 the poll at an election of a county councillor for any electoral division is required to commence earlier, or to be kept open later, than the hours specified in paragraph (1) of that rule, the requirement shall apply to the poll at an election of a district councillor or district councillors for that division or any ward thereof.

Polling Stations and Officials

52. If in any electoral division there is a contested election of a county councillor, any contested election of district councillors shall take place in the same stations and with the same returning and presiding officers and clerks as the election of the county councillor.

Arrangements for giving out and receiving Papers

53. The returning officer shall make and publish such other arrangements as he shall think fit for the purpose of enabling nomination papers and copies of the register of electors to be obtained and for nomination papers and notices of withdrawal to be received and dealt with at some place within or adjoining the district, and for that purpose may by writing under his hand delegate such of his powers as he shall think necessary to the clerk of the district council or other fit person, and such person shall for that purpose be deemed to be a depute of the returning officer.

Publication of Notices

54. It shall not be necessary to publish any of the notices under these rules elsewhere than in the district, but the returning officer may, if he thinks it expedient, publish them in any manner in which he publishes notices for the election of county councillors, and any of the said notices may relate both to the election of district councillors and to the election of county councillors.

The Return

55. The returning officer shall forthwith upon declaration of the result of the election make a return to the clerk of the district council of the persons elected as district councillors and of the persons elected as members of the county council for the electoral divisions within the district, and give or cause to be given notice in writing to the persons elected of their election.

APPENDIX

FORMS FOR USE AT THE ELECTION OF COUNTY COUNCILLORS OR OF TOWN COUNCILLORS

FORM A

FORM OF NOTICE OF ELECTION

I.—Form of Notice of Election applicable to the election of county councillors for the landward area of a county

County of

County Council Election, 19 .

In terms of the Representation of the People Act, 1949, notice is hereby given—

1. That the election of a county councillor for each electoral division in the landward area of the county will in the event of there being a poll take place on Tuesday, the day of next, at the places aftermentioned.

(*a*) Electoral division of (*here specify name of electoral division*).
Polling place (*here specify polling place or places within which polling stations are situated*).
(*b*) Electoral division of (*here specify name of electoral division*).
Polling place (*here specify polling place or places within which polling stations are situated*).
(*and so on through the whole number of electoral divisions*).

2. That the county council have appointed to be the returning officer for the purposes of the election.

3. That no person can be elected to the office of county councillor in respect of whom a nomination paper is not delivered to the returning officer before four o'clock in the afternoon of Tuesday the day of April current, that all withdrawals of persons nominated must be intimated to the returning officer before four o'clock in the afternoon of Tuesday the day of April current, and that all intimations must be delivered at (*here specify address of place where nomination papers are to be delivered*).

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

4. That every person proposed for election as a county councillor must be nominated by a separate nomination paper in the appropriate Form in the Appendix to the local elections rules contained in the Third Schedule to the said Act, or in a form substantially to the like effect, and every such nomination paper must be subscribed by two proposers being local government electors for the electoral division to which the nomination applies, and shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him consenting to be nominated as a candidate and that, if elected, he accepts office as a county councillor and will faithfully perform the duties of the office.

5. That no person shall sign more than one nomination paper in respect of the same electoral division, and if he does so his signature will, except in special circumstances, be operative only in the case of the paper which is first delivered.

6. That a candidate who is validly nominated for more than one electoral division shall by notice signed, attested and delivered withdraw from his candidature in all those electoral divisions except one, and if he does not so withdraw before 4 p.m. on the day of current the returning officer shall forthwith declare for which of those electoral divisions for which the candidate remains validly nominated the candidate shall stand for election, and the candidate shall be deemed to have withdrawn his candidature in those other electoral divisions.

7. That in the event of only one person remaining validly nominated in any electoral division of the county there will be no poll in that electoral division, and that on the day appointed for declaring the result of the election the person so nominated shall be declared to be elected a county councillor.

8. That forms of nomination and withdrawal may be had at the place above mentioned on or after April current.

9. That one copy of the register of local government electors for an electoral division may be had free of charge by a candidate for that division or his agent at the place mentioned on or after the said date. Additional copies of the register may be had subject to payment of a charge of

Sgd. A.B.,
County Clerk.
(*Date.*)

II.—Form of Notice of Election applicable to the election of town councillors in a burgh not divided into wards.

Burgh of
Municipal election, 19 .

In terms of the Representation of the People Act, 1949, notice is hereby given—

1. That the annual election of councillors to supply the vacant places in the town council of the burgh will in the event of there

being a poll take place on Tuesday, the day of May next at the places following, viz.:—

Polling Places

(*Here specify the polling place or places within which polling stations are situated*)

to elect town councillors in the place of

(*Here mention names of councillors retiring, and cause of retirement, whether by rotation or otherwise*).

2. That no person can be elected to the office of town councillor in respect of whom a nomination paper is not delivered to me before four o'clock afternoon of Tuesday the day of April current, that all withdrawals of persons nominated must be intimated to me before four o'clock afternoon of Tuesday the day of April current, and that all intimations must be delivered at my office situated at (*here specify address of office*).

3. That every person proposed for election as a town councillor must be nominated by a separate nomination paper in the appropriate form in the Appendix to the local elections rules contained in the Third Schedule to the said Act or in a form substantially to the like effect, and every such nomination paper must be subscribed by two proposers being local government electors for the burgh and also five other local government electors for the burgh as assenting to the nomination, and shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him consenting to be nominated as a candidate and that, if elected, he accepts office as a town councillor and will faithfully perform the duties of the office.

4. That no person shall sign more than one nomination paper in respect of the same candidate, nor shall he sign more nomination papers than there are vacancies to be filled, and if he signs nomination papers otherwise than is herein permitted his signature will, except in special circumstances, be inoperative in all but those papers up to the permitted number which are first delivered.

5. That in the event of the number of persons remaining validly nominated not exceeding the number of vacancies there will be no poll and that on the day appointed for declaring the result of the election the persons so nominated shall be declared to be elected town councillors.

6. That forms of nomination and withdrawal may be had at my office above mentioned on or after April current.

7. That one copy of the register of local government electors for the burgh may be had free of charge by a candidate or his agent at my office aforesaid on or after the said date. Additional copies of the register may be had subject to payment of a charge of .

Sgd. A.B.,
Town Clerk.
(*Date.*)

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

III.—Form of Notice of Election applicable to the election of town councillors in a burgh divided into wards.

Burgh of
Municipal election, 19 .

In terms of the Representation of the People Act, 1949, notice is hereby given—

1. That the annual election of town councillors to supply the vacant places in the town council of the burgh will in the event of there being a poll take place on Tuesday the day of May next at the places aftermentioned.

First ward

Polling place (*here specify polling place or places within which polling stations are situated*).

To elect town councillor[s] in place of (*here mention name[s] of councillor[s] retiring, and cause of retirement, whether by rotation or otherwise*).

Second ward

(*As above, and so on through the whole number of wards.*)

2. That no person can be elected to the office of town councillor in respect of whom a nomination paper is not delivered to me before four o'clock afternoon of Tuesday the day of April current, that all withdrawals of persons nominated must be intimated to me before four o'clock afternoon of Tuesday the day of April current, and that all intimations must be delivered at my office situated at (*here specify address of office*).

3. That every person proposed for election as a town councillor must be nominated by a separate nomination paper in the appropriate form in the Appendix to the local elections rules contained in the Third Schedule to the said Act or in a form substantially to the like effect, and every such nomination paper must be subscribed by two proposers being local government electors for the ward to which the nomination applies and also by five other local government electors for the said ward as assenting to the nomination, and shall contain a statement subscribed by the candidate or by a solicitor duly authorised by him consenting to be nominated as a candidate and that, if elected, he accepts office as a town councillor and will faithfully perform the duties of the office.

4. That no person shall sign more than one nomination paper in respect of the same candidate nor shall he sign more nomination papers than there are vacancies to be filled in the ward, and if he signs nomination papers otherwise than is herein permitted his signature will, except in special circumstances, be inoperative in all but those papers up to the permitted number which are first delivered.

5. That a candidate who is validly nominated for more than one ward shall by notice signed, attested and delivered withdraw from his candidature in all those wards except one, and if he does not so

withdraw before 4 p.m. on the day of current the returning officer shall forthwith declare for which of those wards for which the candidate remains validly nominated the candidate shall stand for election, and the candidate shall be deemed to have withdrawn his candidature in those other wards.

6. That in the event of the number of persons remaining validly nominated in any of the wards not exceeding the number of vacancies there will be no poll in such ward, and that on the day appointed for declaring the election the persons so nominated shall be declared to be elected town councillors.

7. That forms of nomination and withdrawal may be had at my office abovementioned on or after April current.

8. That one copy of the register of local government electors for the ward may be had free of charge by a candidate or his agent at my office aforesaid on or after the said date. Additional copies of the register may be had subject to payment of a charge of .

A.B.,
Town Clerk.
(*Date.*)

FORM B.

FORM OF NOMINATION PAPER.

I.—Form of Nomination Paper applicable to the election of county councillors for the landward area of a county.

Front of Nomination Paper.

County of

County Council Election, 19 .

We, A.B. (*here insert name and address and number on the register as in the register of local government electors for the electoral division for which the candidate is being nominated*) and C.D. (*here insert name and address and number on the register as in the said register*), hereby propose and nominate—

F.,E. (*if the candidate's name appears in the register of local government electors for any electoral division within the county or for a burgh within the county, here insert name and address and number on the register of the candidate as in the register in which his name appears, placing the surname first and specifying the area to which the register relates*),

(*if the candidate's name does not appear in any of the said registers, here insert his full name—with the surname first—and place of residence and if the circumstances warrant it add* who has resided at (*insert address or addresses*) within the county of (*specify county or any burgh within the county*) during the whole of the twelve months preceding this date)

for election as a county councillor for the electoral division of (*specify electoral division*) at the next ensuing election of county councillors in the county of (*specify county*).

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

We hereby declare to the best of our knowledge, information and belief that—

(*a*) the said E.F. is of full age and a British subject [*or* a citizen of the Republic of Ireland] and not subject to any legal incapacity; and

(*b*) the said E.F. is not disqualified for being nominated as a candidate for election as a county councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

Given under our hand this (*insert date*).

A.B.

C.D.

I, the nominee for election, consent to being nominated as a candidate and, if elected, accept office as a county councillor for the said electoral division. I declare that, if elected, I shall faithfully perform the duties of the office.

I am of full age and a British subject [*or* a citizen of the Republic of Ireland] and not subject to any legal incapacity. (*If the candidate is not qualified as a registered local government elector, and if the circumstances warrant it, add* I have resided within the county of (*including any burgh within the county*) during the whole of the twelve months preceding the date above mentioned.)

I declare that I am not disqualified for being nominated as a candidate for election as a county councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

E.F.

To the Returning Officer,

County of

Note:—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—" For and on behalf " of E.F., X.Y., Solicitor, (*here insert address*) duly authorised by the " said E.F. to sign this form."

Back of Nomination Paper.

(*Here print copy of section 52 of the Local Government (Scotland) Act*, 1947.)

Note.—If any person signs any nomination paper as candidate, proposer or solicitor on behalf of a candidate knowing any of the statements contained therein to be false, he shall be liable under the Representation of the People Act, 1949, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both.

SCOTTISH LOCAL ELECTIONS RULES 3RD SCH. —*cont.*

II.—Form of Nomination Paper applicable to the election of town councillors in a burgh not divided into wards.

Front of Nomination Paper.

Burgh of

Municipal Election, 19 .

We, A.B. (*here insert name and address and number on the register as in the register of local government electors for the burgh of*) and C.D. (*here insert name and address and register number as in the said register*), hereby propose and nominate—

F., E. (*if the candidate's name appears in the said register, here insert name and address and number on the register as in the said register, placing the surname first*),

(*if the candidate's name does not appear in the said register, here insert his full name—with the surname first—and place of residence, and if the circumstances warrant it add* who has resided at (*insert address or addresses*) within the burgh of (*specify burgh*) during the whole of the twelve months preceding this date),

for election as a town councillor at the next ensuing municipal election in the said burgh of (*specify burgh*).

We hereby declare to the best of our knowledge, information and belief that—

(*a*) the said E.F. is of full age and a British subject [*or* a citizen of the Republic of Ireland] and not subject to any legal incapacity; and

(*b*) the said E.F. is not disqualified for being nominated as a candidate for election as a town councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

Given under our hand this (*insert date*).

A.B.
C.D.

We, the undersigned, being registered local government electors for the burgh of (*specify burgh*), do hereby assent to the nomination of the said E.F. as a town councillor as above mentioned.

G.H., of
I.J., of
K.L., of
M.N., of
O.P., of

(*insert address and number on the register as in the register for the said burgh.*)

I, the nominee for election, consent to be nominated as a candidate and, if elected, accept office as a town councillor for the said burgh. I declare that, if elected, I shall faithfully perform the duties of the office.

I am of full age and a British subject [*or* a citizen of the Republic of Ireland] and not subject to any legal incapacity. (*If the candidate is not qualified as a registered local government elector, and if the circumstances warrant it, add* I have resided within the burgh of during the whole of the twelve months preceding the date above mentioned.)

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

I declare that I am not disqualified for being nominated as a candidate for election as a town councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

E.F.

To the Town Clerk of .

Note:—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—"For and on behalf of E.F., X.Y., Solicitor, (*here insert address*) duly authorised by the said E.F. to sign this form."

Back of Nomination Paper

(*Here print copy of section 52 of the Local Government (Scotland) Act*, 1947)

Note:—If any person signs any nomination paper as candidate, proposer or solicitor on behalf of a candidate knowing any of the statements contained therein to be false, he shall be liable under the Representation of the People Act, 1949, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both.

III.—Form of Nomination Paper applicable to the election of town councillors in a burgh divided into wards

Front of Nomination Paper

Burgh of .

Municipal Election, 19 .

We, A.B. (*here insert name and address and number on the register as in the register of local government electors for the ward for which the candidate is being nominated*) and C.D. (*here insert name and address and number on the register as in the said register*), hereby propose and nominate—

F., E.

(*if the candidate's name appears in the register for any ward in the burgh, here insert name and address and number on the register as in the register in which his name appears, placing the surname first and specifying the ward to which the register relates*),

(*if the candidate's name does not appear in the register for any part of the burgh, here insert his full name—with surname first—and place of residence and, if the circumstances warrant it, add* who has resided at (*insert address or addresses*) within the burgh of (*specify burgh*) during the whole of the twelve months preceding this date)

for election as a town councillor for the ward (*specify ward*) at the next ensuing municipal election in the burgh of (*specify burgh*).

We hereby declare to the best of our knowledge, information and belief that—

(*a*) the said E.F. is of full age and a British subject [*or* a citizen of the Republic of Ireland] and not subject to any legal incapacity; and

(*b*) the said E.F. is not disqualified for being nominated as a candidate for election as a town councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

Given under our hand this (*insert date*).

A.B.
C.D.

We, the undersigned, being registered local government electors for the ward (*specify ward*) in the burgh of (*specify burgh*), do hereby assent to the nomination of the said E.F. as a town councillor as above mentioned.

G.H., of
I.J., of
K.L., of
M.N., of
O.P., of

(*insert address and number on the register as in the register for the said ward.*)

I, the nominee for election, consent to being nominated as a candidate and, if elected, accept office as a town councillor for the said ward. I declare that, if elected, I shall faithfully perform the duties of the office.

I am of full age and a British subject [*or* a citizen of the Republic of Ireland] and not subject to any legal incapacity. (*If the candidate is not qualified as a registered local government elector, and if the circumstances warrant it, add* I have resided within the burgh of during the whole of the twelve months preceding the date before mentioned.)

I declare that I am not disqualified for being nominated as a candidate for election as a town councillor by reason of any of the disqualifications set forth in section 52 of the Local Government (Scotland) Act, 1947, a copy of which section is printed on the back hereof.

E.F.

To the Town Clerk of

Note:—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—" For and on behalf of E.F., X.Y., Solicitor, (*here insert address*) duly authorised by the said E.F. to sign this form."

Back of Nomination Paper

(*Here print copy of section* 52 *of the Local Government (Scotland) Act*, 1947)

Note.—If any person signs any nomination paper as candidate, proposer or solicitor on behalf of a candidate knowing any of the statements contained therein to be false, he shall be liable under

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

the Representation of the People Act, 1949, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both.

FORM C.

FORM OF NOTICE OF WITHDRAWAL.

[County of
County Council Election, 19 .]
[Burgh of
Municipal Election, 19 .]

I, E.F. (*here insert name and address as in nomination paper*) hereby withdraw my nomination as a candidate for election as a [county councillor for the electoral division of (*specify electoral division*)] [town councillor for the burgh] [town councillor for ward (*specify ward*)] at the next ensuing election of [county councillors in the county of (*specify county*)] [town councillors in the burgh of (*specify burgh*)]:

Dated this (*insert date*).....

Name .....
Address .....
Designation .....
Witness. E.F.

Name .....
Address .....
Designation .....
Witness.

[To the Returning Officer,
County of .]

[To the Town Clerk of .]

Note :—Where this form is subscribed by a solicitor on behalf of the candidate it should be subscribed as follows—"For and on behalf of E.F., X.Y., Solicitor, (*here insert address*) duly authorised by the said E.F. to sign this form."

Where the candidate is outside the United Kingdom and, in accordance with paragraph (3) of rule 8 of the local elections rules contained in the Third Schedule to the Representation of the People Act, 1949, this form is subscribed by his principal proposer or proposers, appropriate modifications shall be made in the form.

FORM D.

FORM OF NOTICE OF UNCONTESTED ELECTION.

1.—Form of Notice of Uncontested Election applicable to the election of county councillors for the landward area of a county.

Note :—This form shall, except where in the circumstances it is not appropriate, be combined with the notice of poll (Form E.).

County of
County Council Election, 19 .

In terms of the Representation of the People Act, 1949, I hereby give notice that the following person[s] remain[s] validly nominated

for the electoral division[s] as hereinafter mentioned, and as not more than one person so remains validly nominated for [each of] the said division[s], there will be no poll in that [or those] electoral division[s], and that on the day appointed for declaring the result of the election the said person[s] shall be declared to be elected county councillor[s].

Electoral Division[s].	Name[s] of person[s] elected.	Address[es] or place[s] of residence.	Names of proposers.	Addresses of proposers.

A.B.,
Returning Officer.
(*Date*).

II.—Form of Notice of Uncontested Election applicable to the election of town councillors in a burgh not divided into wards.

Burgh of
Municipal Election, 19 .

In terms of the Representation of the People Act, 1949, I hereby give notice that the following persons remain validly nominated for the burgh, and as the number of persons so remaining validly nominated does not exceed the number of vacancies to be supplied therein, there will be no poll, and that on the day appointed for declaring the result of the election the said persons shall be declared to be elected town councillors of the burgh.

Names of persons elected.	Addresses or places of residence.	Names of proposers.	Addresses of proposers.

A.B.,
Town Clerk.
(*Date*).

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

III.—Form of Notice of Uncontested Election applicable to the election of town councillors in a burgh divided into wards.

Note.—This form shall, except where in the circumstances it is not appropriate, be combined with the notice of poll (Form E.).

Burgh of .

Municipal Election, 19 .

In terms of the Representation of the People Act, 1949, I hereby give notice that the following person[s] remain[s] validly nominated for the ward[s] as hereinafter mentioned, and as the number of persons so remaining validly nominated for [each of] the said ward[s] does not exceed the number of vacancies to be supplied therein, there will be no poll therein, and that on the day appointed for declaring the result of the election the said person[s] shall be declared to be elected town councillor[s] of the burgh.

Ward[s]	Name[s] of person[s] elected.	Address[es] or place[s] of residence.	Names of proposers.	Addresses of proposers.

A.B.,
Town Clerk.
(*Date.*)

FORM E.

FORM OF NOTICE OF POLL.

I.—Form of Notice of Poll applicable to the election of county councillors for the landward area of a county.

Note.—This form shall, except where in the circumstances it is not appropriate, be combined with the notice in the case of uncontested election (Form D.).

County of .

County Council Election, 19 .

In terms of the Representation of the People Act, 1949, I hereby give notice that the following persons remain validly nominated for election as county councillors as hereinafter mentioned in this county at the election which shall be held on Tuesday the day of May next between the hours of o'clock forenoon and o'clock afternoon at the places mentioned in the

Notice of Election dated , one councillor falling to be elected for each electoral division.

Electoral Division[s].	Names of candidates.	Addresses or places of residence of candidates.	Names of proposers.	Addresses of proposers.

The persons entitled to vote as electors at this election are the persons registered under the Representation of the People Acts as local government electors for the [respective] electoral division[s] aforesaid.

A.B.,
Returning Officer.
(*Date.*)

II.—Form of Notice of Poll applicable to the election of town councillors in a burgh not divided into wards.

Burgh of .
Municipal Election, 19 .

In terms of the Representation of the People Act, 1949, I hereby give notice that the following persons remain validly nominated for election as town councillors in this burgh as hereinafter mentioned at the municipal election which shall be held on Tuesday the day of May next between the hours of o'clock forenoon and o'clock afternoon at the places mentioned in the Notice of Election dated .

Names of candidates.	Addresses or places of residence of candidates.	Names of proposers and assenters.	Addresses of proposers and assenters.

To elect town councillors (*specify number*).

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

The persons entitled to vote as electors at this election are the persons registered under the Representation of the People Acts as local government electors for the burgh.

A.B.,

Town Clerk.

(*Date.*)

III.—Form of Notice of Poll applicable to the election of town councillors in a burgh divided into wards.

Note.—This form shall, except where in the circumstances it is not appropriate, be combined with the notice in the case of uncontested election (Form D.).

Burgh of .

In terms of the Representation of the People Act, 1949, I hereby give notice that the following persons remain validly nominated for election as town councillors in this burgh as hereinafter mentioned at the municipal election which shall be held on Tuesday the day of May, next between the hours of o'clock forenoon and o'clock afternoon at the places mentioned in the Notice of Election, dated , (*alter if not appropriate*) one councillor falling to be elected for each ward.

Ward[s].	Names of candidates.	Addresses or places of residence of candidates.	Names of proposers and assenters.	Addresses of proposers and assenters.
I.				
II.				
III.				

The persons entitled to vote as electors at this election are the persons registered under the Representation of the People Acts as local government electors for the [respective] ward[s] aforesaid.

A.B.,

Town Clerk.

(*Date.*)

SCOTTISH LOCAL ELECTIONS RULES 3RD SCH. —*cont.*

FORM F.

FORM OF BALLOT PAPER.

Form of Front of Ballot Paper.

Counterfoil No.			
	1	**GRANT** (JOHN Grant, of 52, George Street, Hamilton.)	
NOTE: *The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.*	2	**GRANT** (WILLIAM DAVID Grant, of Weston, Lanarkshire.)	
	3	**MORRISON** (Hon. John Morrison, of Melville, Lanarkshire.)	
	4	**SMITH** (Mary Smith, of 72, High Street, Rutherglen.)	

Form of Back of Ballot Paper.

No.

Election for the [electoral division of the county of] [burgh of] [ward of the burgh of].

Note:

The number on the ballot paper is to correspond with that on the counterfoil.

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;

3RD SCH. —*cont.*

SCOTTISH LOCAL ELECTIONS RULES

(*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 name and address or place of residence 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, for his address or place of residence unless it 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 G.

FORM OF DIRECTIONS FOR THE GUIDANCE OF THE VOTERS IN VOTING.

The voter may vote for candidate[s].

The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.

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 each candidate for whom he votes, thus X

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.

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.

If the voter votes for more than candidate[s] or places any mark on the paper by which he may be afterwards identified his ballot paper will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling station or puts into the ballot box any other paper than the ballot paper given him by the officer, he will be liable on conviction on indictment or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both.

SCOTTISH LOCAL ELECTIONS RULES

3RD SCH. —*cont.*

FORM H.

FORM OF DECLARATION OF SECRECY.

I solemnly promise and declare that I shall at this election maintain and aid in maintaining the secrecy of the voting and shall not do anything forbidden by subsections (1), (2), (3) and (6) of section fifty-three of the Representation of the People Act, 1949, which have been read to me.

FORM I.

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.) who is numbered on the register of local government electors for the [electoral division of the county of] [burgh of] [ward of the burgh of], to record his vote at the election now being held for the said [electoral division] [burgh] [ward], do 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 twenty-one 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 [electoral division of the county of] [burgh of] [ward of the burgh of], do 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 ,

at 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.

Section 42.

FOURTH SCHEDULE

PROVISIONS WHICH MAY BE CONTAINED IN REGULATIONS AS TO REGISTRATION, ETC.

1. Provisions authorising a registration officer (other than a registration officer in Scotland) to require the clerk of the authority of any county borough, metropolitan borough or county district wholly or partly within the area for which he acts (or an officer designated for the purpose by the council of any such borough or district) to perform on his behalf all or any of his registration duties, so far as they relate to the preparation and publication of the electors lists, and to give information required for the purpose of his registration duties.

2. Provisions authorising a registration officer to require any householder or person owning or occupying any land or premises within the area for which he acts, or the agent or factor of any such person, to give information required for the purpose of his registration duties.

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.

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, and provisions—

(*a*) enabling any person to obtain for the purpose of the regulations a birth certificate on payment of a fee not exceeding sixpence;

(*b*) exempting statutory declarations made for that purpose from stamp duty, and requiring any fee payable in connection with the making of any such declaration to be paid by the registration officer.

(3) 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, of his being subject to any physical incapacity and as to its probable duration or of the fact that he is acting as returning officer at any election or 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 requiring copies of the electors lists, register and other documents or prescribed parts thereof to be available for inspection by the public at such places as may be prescribed.

10. 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 thereof, whether free of charge or on payment of a prescribed fee.

11. 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.

12.—(1) Provisions imposing pecuniary penalties (not exceeding one hundred pounds 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 2 of this Schedule;

(*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 supplementary to those mentioned in the foregoing paragraphs of this Schedule.

Sections 69 and 70.

FIFTH SCHEDULE

RETURN AND DECLARATIONS AS TO ELECTION EXPENSES

FORM OF RETURN

Election in the ..... constituency (*for a local government election substitute* county of , borough 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*) ... ... £

Expenditure

NOTE.—*The return shall deal under a separate heading or sub-heading with any expenses included therein as respects which a return is required to be made by section sixty-three 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..... £

* *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 £....."*

5TH SCH. —*cont.*

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 ... ... £

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 or claimed by him.*

† *These particulars may be set out in a separate list annexed to and referred to in the account.*

5TH SCH —*cont.*

FORM OF DECLARATIONS

Election in the ..... constituency (*for a local government election substitute* county of , borough 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 for.....

(NOTE.—*Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.*)

Sections 78 and 167.

SIXTH SCHEDULE

ELECTION EXPENSES AT ELECTIONS WHERE THERE ARE NO ELECTION AGENTS

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 fourteen days after the day of election shall be barred and not paid, and all election expenses incurred as aforesaid shall be paid within twenty-one 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 :

Provided that a candidate 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 twenty-three 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 fifty pounds.

3. Within twenty-eight days after the day of election every candidate shall send to the clerk 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 twenty shillings) by bills stating the particulars and receipts and accompanied by a declaration by the candidate as to election expenses.

4.—(1) After the expiration 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 of this Schedule, sit or vote in the council and if he does so he shall forfeit fifty pounds for every day on which he so sits or votes :

Provided that instead of civil proceedings for a penalty, proceedings may be instituted in a court of summary jurisdiction and the person charged 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) 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 proceeding under the Summary Jurisdiction Acts, be substituted for any limitation of time contained in those Acts.

For the purposes of this sub-paragraph 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 aforesaid the service or execution of the same on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceeding.

5. If the candidate fails to make the said return and declaration he shall be guilty of an illegal practice, and, if he knowingly makes the said 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 clerk 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 the said return and declaration or either of them or any error or false statement therein has arisen by reason of—

(*a*) his illness or absence ; or

6TH SCH. —*cont.*

(*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 part of the applicant, the court may, after such notice of the application and on production of such evidence of the grounds stated in the application, and of the good faith of the applicant, and otherwise as to the court seems fit, make such order allowing the authorised excuse for the failure, error or false statement as to the court seems just.

(2) The order may make the allowance conditional upon compliance with such terms as to the court seems 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 said return and declaration shall be kept at the office of the clerk 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 fee of one shilling and the said clerk shall, on demand, furnish copies thereof, or of any part thereof, at the price of two pence for every seventy-two words.

(2) After the expiration of the said twelve months the clerk of the authority may cause the return and declaration to be destroyed or, if the candidate so require, shall return the same to him.

9. The jurisdiction vested by paragraph 7 of this Schedule in a county court may be exercised otherwise than in open court.

An appeal shall lie to the High Court from any order of a county court made by virtue of the said paragraph 7.

Section 82.

SEVENTH SCHEDULE

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.

(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 Minister of Education.

2.—(1) Every local education authority shall prepare for their area lists of the rooms in school premises which candidates in any constituency are entitled to use.

7TH SCH. —*cont.*

(2) The list shall include the rooms in premises outside, as well as those in premises in, the constituency.

(3) The list shall be revised from time to time as occasion may require.

3.—(1) With the exception of the London county council, every county, county borough and metropolitan borough council shall prepare 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 be revised from time to time as occasion may require.

(4) 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 a revision thereof 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 the said lists or a copy thereof.

6. In the application of this Schedule to Scotland—

(*a*) for the reference in paragraph 1 to the Minister of Education there shall be substituted a reference to the Secretary of State, and for any reference to a local education authority there shall be substituted a reference to an education authority;

(*b*) sub-paragraph (1) of paragraph 2, sub-paragraph (1) of paragraph 3 and paragraph 4 shall not apply, and it shall be the duty of the town clerk of each burgh being a county of a city and of the county clerk of each county (after consultation with the clerks of the town and district councils of the burghs and districts in the county) to prepare and keep for each constituency wholly situated in the burgh or county and for each part so situated of any other constituency—

(*a*) a list of rooms in school premises; and

(*b*) a list of meeting rooms;

which candidates in the constituency are entitled to use.

Section 169.

EIGHTH SCHEDULE

INTERPRETATION OF OTHER ACTS

Register, electors, etc.

1.—(1) Any reference in any Act (whenever passed) to the register of parliamentary and local government electors, or to the register of parliamentary electors, or to the register of local government electors, or to the electors lists for any such register, shall be taken as a reference to the register kept under this Act, or to that register so far as it relates to parliamentary electors, or to that register so far as it relates to local government electors, or to the electors lists therefor, as the case may be, and references in any Act to a parliamentary or local government elector shall be construed accordingly; and local government electors registered under this Act shall for all purposes, whether statutory or not, be in the same position as local government electors registered under the Representation of the People Act, 1918.

(2) References in the Election Commissioners Act, 1852, to a voter, or to voting, shall be taken as including an elector's proxy under this Act and to voting by or as proxy

Registration and Returning Officers

2. Any reference in any Act (whenever passed) to the registration officer for the registration of parliamentary or local government electors, or to the returning officer for a parliamentary election or constituency, shall be taken as a reference to the registration officer or returning officer appointed under this Act.

Registration Expenses

3. Any 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:

Provided that this paragraph shall have effect in relation to the expenses under the enactments relating to election commissioners subject to the provisions of sub-paragraph (2) of paragraph 5 of Part I of the Tenth Schedule to the Representation of the People Act, 1948 (which relates to expenses in Northern Ireland).

Corrupt and illegal practices

4. Every corrupt practice within the meaning of this Act committed in reference to a parliamentary election shall be a corrupt practice within the meaning of the Election Commissioners Act, 1852, the Parliamentary Elections Act, 1868, and the Corrupt and Illegal Practices Prevention Act, 1883, and every illegal practice within the meaning of this Act so committed shall be an illegal practice within the meaning of the said Acts.

References to enactments reproduced in this Act

5.—(1) In each of the enactments mentioned in the following Table, references to the Act containing that enactment shall include a reference to Part I of this Act.

TABLE

8TH SCH. —*cont.*

In the Local Government Act, 1933—
Subsection (1) of section eight.
Subsection (1) of section twenty-three.
Subsection (2) of section thirty-five.
Paragraph (*c*) of subsection (2) of section forty-five.

In the London Government Act, 1939—
Subsection (1) of section nine.
Subsection (1) of section twenty-three.

In the Local Government (Scotland) Act, 1947—
The first reference in subsection (1) of section sixty-four.
Subsections (1) and (3) of section three hundred and sixty-three.
The third reference in section three hundred and sixty-nine.
Subsection (1) of section three hundred and seventy-one.
Subsection (1) of section three hundred and seventy-four.

In the Representation of the People Act, 1948—
Section seventy-two.
Paragraph 5 of Part II of the Tenth Schedule.
Paragraph 6 of Part II of the Tenth Schedule (so far as it refers to the registration of electors under that Act).

(2) In subsection (4) of section forty-three of the Local Government Act, 1933, the reference to Part I of that Act shall include a reference to Part I of this Act.

(3) In sub-paragraph (5) of paragraph 5 of Part VI of the Third Schedule to the Local Government Act, 1933, the reference to section fifty-four of that Act shall include a reference to section twenty-nine of this Act and to any provisions of this Act which under subsection (1) of section one hundred and sixty-five of this Act may be adapted in their application to an election of parish councillors.

(4) In section sixty-three of the Local Government (Scotland) Act, 1947, the reference to the Second Schedule to that Act shall be taken as a reference to the local elections rules.

(5) In section one hundred and thirty-three of the Local Government (Scotland) Act, 1947—

(*a*) in subsection (15), the reference to Part III of the Second Schedule to that Act shall be taken as a reference to Parts III, IV and V of the local elections rules;

(*b*) in subsection (20), the first reference to that Act shall include a reference to Part I of this Act, and the reference in paragraph (*c*) to Part II of the Second Schedule to that Act shall be taken as a reference to Part I of the local elections rules.

(6) In section three hundred and sixty-eight of the Local Government (Scotland) Act, 1947—

(*a*) in subsection (1), the references to that Act in paragraphs (*a*), (*b*) and (*d*) and in the first proviso shall include references to Part I of this Act, and in the second proviso the

8TH SCH. —*cont.*

reference to Part II of that Act so far as relating to offences connected with elections shall be taken as a reference to sections fifty-two and fifty-three of this Act and the reference to the Second Schedule to that Act shall be taken as a reference to the local elections rules;

(*b*) in subsection (4) the reference to Part II of that Act so far as relating to offences connected with elections shall be taken as a reference to sections fifty-two and fifty-three of this Act and the reference to the Second Schedule to that Act shall be taken as a reference to the local elections rules;

(*c*) in subsection (6) the reference to provisions of that Act shall be taken as including a reference to provisions of Part I of this Act.

Amendments of Representation of the People Act, 1948

6. The respective references in sub-paragraph (1) of paragraph 4 of the Sixth Schedule and sub-paragraph (3) of paragraph 1 of Part II of the Tenth Schedule to the Representation of the People Act, 1948, to subsection (3) of section sixty-seven and section two hundred and ninety-five of the local elections Act shall in relation to London be taken respectively as references to subsection (3) of section forty-two and section one hundred and ninety-seven of the London Government Act, 1939.

Supplementary

7.—(1) Subject to the provisions of this paragraph, the provisions of paragraphs 1, 2 and 3 of this Schedule shall apply to a reference to any of the matters mentioned therein, whatever the terms used in that reference, and to a reference to any other matter which was to be construed as a reference to any of the said matters by virtue of an enactment repealed by the Representation of the People Act, 1948.

(2) The said provisions so far as they relate to this Act or any other Act passed after the Representation of the People Act, 1948, shall not apply where the context otherwise requires.

(3) The said provisions so far as they relate to Acts not so passed 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 and an order under this sub-paragraph may make such change in the law which is reproduced in this Act as might have been made before the commencement of this Act under paragraph (*c*) of sub-paragraph (1) of paragraph 8 of Part I of the Tenth Schedule to the Representation of the People Act, 1948.

(4) Nothing in the said provisions of this Schedule or in any other provision of this Act shall affect the qualification of any person for any office held by that person immediately before the coming into force of the first register prepared under the Representation of the People Act, 1948, so as to vacate or require that person to vacate the office.

For the purposes of determining which is the first register the said Act and this Act shall be treated as the same Act.

NINTH SCHEDULE

Section 175.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Will. 3. c. 7.	The Parliamentary Elections (Returns) Act, 1695.	The whole Act.
6 Anne. c. 40.	The Union with Scotland (Amendment) Act, 1707.	Section five.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act, 1800.	In section two, the words from " and such writs and the returns " to " shall be lost ".
2 & 3 Will. 4. c. 65.	The Representation of the People (Scotland) Act, 1832.	In section thirty-six, the words from " and no sheriff clerk " to the end of the section.
2 & 3 Will. 4. c. 69.	The Corporate Property (Elections) Act, 1832.	The whole Act.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	In section eighty-four, the words from " and in boroughs " to the end of the section.
6 & 7 Vict. c. 18.	The Parliamentary Voters' Registration Act, 1843.	The whole Act.
13 & 14 Vict. c. 69.	The Representation of the People (Ireland) Act, 1850.	The whole Act.
17 & 18 Vict. c. 102.	The Corrupt Practices Prevention Act, 1854.	The whole Act.
22 & 23 Vict. c. 32.	The County and Borough Police Act, 1859.	Section three.
26 & 27 Vict. c. 29.	The Corrupt Practices Prevention Act, 1863.	The whole Act.
30 & 31 Vict. c. 102.	The Representation of the People Act, 1867.	The whole Act except sections seven and fifty-one.
31 & 32 Vict. c. 48.	The Representation of the People (Scotland) Act, 1868.	Section twenty-three.
31 & 32 Vict. c. 49.	The Representation of the People (Ireland) Act, 1868.	The whole Act.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	Section two. In section three, the definitions except that of corrupt practices. Sections four to ten. In section eleven, paragraph (1), paragraph (6), in paragraph (7) the words " under this Act ", and paragraphs (9) to (16). Sections twelve to fourteen. In section fifteen, the words " under this Act ". Sections seventeen to fifty-three. Section fifty-seven.

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
31 & 32 Vict. c. 125—*cont.*	The Parliamentary Elections Act, 1868 —*cont.*	In section fifty-eight, paragraphs (1), (4), (5) and (10), in paragraph (11) the words "under this Act", and paragraphs (12) to (18).
35 & 36 Vict. c. 33.	The Ballot Act, 1872 ...	The whole Act.
42 & 43 Vict. c. 75.	The Parliamentary Elections and Corrupt Practices Act, 1879.	Section two save as it affects the number of judges to be placed on the rota.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In section seven, the definition of "municipal election". Part IV. Section one hundred and twenty-four. In the Fifth Schedule, in Part II, paragraph 2. In the Ninth Schedule, the references to the Representation of the People Act, 1867, the Boundary Act, 1868, the Parliamentary Electors Registration Act, 1868, and the Parliamentary Elections Act, 1868.
46 & 47 Vict. c. 18.	The Municipal Corporations Act, 1883.	In section six, in subsection (1) the words from "whether" to "or otherwise" and subsection (2).
46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	Sections one to eleven. In section twelve, the words from "and the expression" to the end of the section. Sections thirteen to thirty-seven. In section thirty-eight, in subsection (1), the words from the beginning of the subsection to "an election court and", the words "court or" and the words "as the case may be", in subsections (5) to (7) the words "any election court or" whenever they occur, in subsection (8), paragraph (*a*), in paragraph (*b*) the words "an election court or" and the words "court or", and in paragraph (*c*) the words "conviction of or", and subsection (10). Sections thirty-nine to forty-one. In section forty-two, the words from the beginning of the section to "conclusion and".

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
46 & 47 Vict. c. 51—*cont.*	The Corrupt and Illegal Practices Prevention Act, 1883—*cont.*	Sections forty-three to forty-five. In section forty-six, the words "either before or after the commencement of this Act", the words "the Corrupt Practices Prevention Acts or", the words "a conviction or of", the words "any election court or", and the words "conviction or" in the two further places where they occur. Section forty-eight. Sections fifty to fifty-five. In section fifty-six, in subsection (1) the words from "may so far" to "other respects" and the proviso, and in subsection (2) the words "and of the Parliamentary Elections Act, 1868, and the Acts amending the same". In section fifty-seven, subsection (2). Section fifty-eight. In section fifty-nine, subsections (1) to (3) except in so far as they are applied by subsection (4) to witnesses before election commissioners. In section sixty, the words "An election court or" and "in the case of the commissioners". In section sixty-two, subsections (1) and (3), and in subsection (2) the words "the High Court or any election court or", the words "or otherwise", the words "making a statement or", and the words "court or" in every other place where they occur. Section sixty-three. In section sixty-four, the words from "Other expressions" to the end of the section and the definitions except those of "election", "election petition", "election court", "Election Commissioners", "the Attorney General", "person" and "Licensing Acts".

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
46 & 47 Vict. c. 51—*cont.*	The Corrupt and Illegal Practices Prevention Act, 1883—*cont.*	In section sixty-five, subsections (1) and (4). Section sixty-six. In section sixty-eight, in paragraph (1) the definitions except those of "barrister" and "quarter sessions", and paragraphs (2), (3), (6), (10), (11), (15), and (17). In section sixty-nine, paragraphs (1), (10), (12) and (13). The First, Second and Third Schedules.
47 & 48 Vict. c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act except paragraphs (5) and (7) of section thirty-five; in paragraph (7) of section thirty-five the words from "a sum" to "fifty pounds and", and the words from "unless" to "fourth day".
48 & 49 Vict. c. 56.	The Parliamentary Elections Corrupt Practices Act, 1885.	The whole Act.
51 & 52 Vict. c. 27.	The Supreme Court of Judicature (Ireland) Amendment Act, 1888.	In section two, in subsection (1) the words "In all cases of appeal to", the words "under the Registration of Voters Acts and", the word "other" and the words "that Court."
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	Section seventy-five. In section ninety-two, subsection (2).
53 & 54 Vict. c. 55.	The Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.	The whole Act.
53 & 54 Vict. c. clxxvi.	The Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890.	In the Schedule, so much of Article seven as relates to section seventy-five of the Local Government Act, 1888.
54 & 55 Vict. c. 49.	The Returning Officers (Scotland) Act, 1891.	The whole Act.
58 & 59 Vict. c. 40.	The Corrupt and Illegal Practices Prevention Act, 1895.	The whole Act.
61 & 62 Vict. c. 37.	The Local Government (Ireland) Act, 1898.	In section ninety-nine, in subsection (1) the words from "and may be used" to the end and subsection (2).
7 Edw. 7. c. 51.	The Sheriff Courts (Scotland) Act, 1907.	In section twenty-one, the words from "nor shall he" to the words immediately before "and it shall not be lawful".

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
8 Edw. 7. c. 15.	The Costs in Criminal Cases Act, 1908.	In section six, in subsection (2) the words from " or for any offence " to the words " Corrupt and Illegal Practices (Prevention) Act, 1883 ".
8 Edw. 7. c. 66.	The Public Meeting Act, 1908.	In subsection (1) of section one, the words from " if the offence" to "other case"; and the whole Act as respects meetings to which section eighty-four of this Act applies.
1 & 2 Geo. 5. c. 7.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1911.	The whole Act.
2 & 3 Geo. 5. c. 28.	The Sheriff Courts (Scotland) Act, 1913.	In the First Schedule, the provisions amending section twenty-one of the Sheriff Courts (Scotland) Act, 1907.
7 & 8 Geo. 5. c. 64.	The Representation of the People Act, 1918.	The Sixth Schedule so far as it relates to subsection (1) of section twenty-nine of the Elections (Scotland) (Corrupt and Illegal Practices) Act, 1890.
9 & 10 Geo. 5. c. 13.	The Local Elections (Expenses) Act, 1919.	The whole Act.
12 & 13 Geo. 5. c. 50.	The Expiring Laws Act, 1922.	In Part I of the First Schedule, the provision relating to the Corrupt Practices Prevention Act, 1854.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	In section thirty-one, in subsection (1), paragraph (j).
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section eighty.
23 & 24 Geo. 5. c. 27.	The Blind Voters Act, 1933.	The whole Act.
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	Sections twelve to sixteen. Sections twenty-six to thirty. Sections thirty-nine and forty. Sections fifty-three and fifty-four. In section fifty-five, in subsection (3) the words " and " the enactments applied by, " or parish election rules made under, this Act ". In section sixty-seven, in subsection (1) the words from " and shall be conducted " to the end of the subsection. Section sixty-nine.

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 51—*cont.*	The Local Government Act, 1933—*cont.*	In section seventy, in subsection (2) the words "register of electors, electors list, nomination paper, ballot paper". Section seventy-one. In section seventy-two, subsection (4). Section seventy-three. In section seventy-four, in subsections (1) and (2) the words "at an election under this Act or". Sections eighty and, save as it applies to polls consequent on a parish meeting, eighty-one. Section eighty-three. In section one hundred and five, subsection (3). In section one hundred and six, subsection (6). In section one hundred and eighty-seven, proviso (*d*) to subsection (2). In section two hundred and thirty-eight, in subsection (4) the words from "all the provisions" to "auditors and". In section three hundred and five, the definition of "electoral area". The Second Schedule.
1 & 2 Geo. 6. c. 59.	The Local Government (Hours of Poll) Act, 1938.	The whole Act.
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	Sections twelve to sixteen. Sections twenty-six to thirty. In section forty-two, in subsection (1) the words "and shall be conducted in the same manner as an ordinary election". Section forty-four. In section forty-five, in subsection (2) the words "register of electors, electors list, nomination paper, ballot paper". Section forty-six. In section forty-seven, subsection (3). Sections forty-eight and forty-nine. Sections fifty-four and fifty-five. Section fifty-seven.

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 40—*cont.*	The London Government Act, 1939—*cont.*	In section seventy-six, subsection (5). In section one hundred and twenty-two, proviso (*d*) to subsection (2). In section two hundred and six, the definition of "electoral area". The Second Schedule.
6 & 7 Geo. 6. c. 48.	The Parliament (Elections and Meeting) Act, 1943.	Part II and the Fifth Schedule.
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	Sections seven to eleven. Sections twenty-two to twenty-six. Sections forty-four to forty-six. In section fifty-nine, in subsection (3) the words "and shall be conducted" to "fix", and the words "who shall appoint a returning officer for the purposes of the election". Sections sixty to sixty-two. In section sixty-three, the words from "and the provisions" to the end. In section sixty-four, in subsection (1) the words from "and the provisions" to the end of the subsection. Sections sixty-five to sixty-eight. In section three hundred and seventy-nine, in subsection (1) the definition of "electoral area". The Second Schedule.
11 & 12 Geo. 6. c. 65.	The Representation of the People Act, 1948.	In section one, subsections (2) and (3). Section two. Sections four to twenty. Part II. Sections thirty-two to fifty-one. In section fifty-two, subsections (1), (2), (3), (4) and (6), in subsection (5) the words "an election court or", the words "(whether under that section or otherwise)", and the words "by reference to section six or ten of the said Act". In section fifty-three, subsections (1) and (2).

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 65—*cont.*	The Representation of the People Act, 1948—*cont.*	In section fifty-four, in subsection (1) the words " or Part IV of the Municipal Corporations Act, 1882 ", and the words " or this Part of this Act ", and subsection (3). In section fifty-five, subsection (2). Section fifty-six. Section fifty-eight. Sections sixty and sixty-one. In section sixty-two, subsection (8). Section sixty-four. Sections sixty-six to seventy-one. Section seventy-three. In section seventy-four, subsection (4). In section seventy-five, in subsection (1) paragraph (*b*), and subsection (3). In section seventy-six, subsections (1), (2) and (4). In section seventy-seven, in subsection (1) the definitions of " county district " and " local government area ", and subsections (2), (3) and (4), in subsection (5) the words from " except that " to the end. In section seventy-eight, subsection (4),and in subsection(3) the definition of " assessor ". In section seventy-nine, in subsection (1) paragraphs (*a*) and (*b*). In section eighty, subsections (1), (3) and (4), and in subsection (10) paragraph (*a*). The Third, Fourth and Fifth Schedules. In the Seventh Schedule, the amendment of the Second Schedule to the Local Government (Scotland) Act, 1947. The Eighth and Ninth Schedules.

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 65—*cont.*	The Representation of the People Act, 1948—*cont.*	In the Tenth Schedule; in Part I; in paragraph 1 in sub-paragraph (1) the words from "and writs" to the end of the sub-paragraph; paragraphs 2, 3 and 4; in paragraph 5, in sub-paragraph (1) the words from the beginning to "under "this Act and" and the word "such" and except so far as those provisions amend section fifteen of the Parliamentary Elections Act, 1868, the remainder of the sub-paragraph and sub-paragraph (2); paragraphs 6 and 7; in paragraph 8 sub-paragraph (2); in Part II; in paragraph 1, sub-paragraphs (1) and (2); paragraph 2; and in paragraph 5, the words "and any other "advance which is recover- "able in the same way as an "advance under that sec- "tion". The Twelfth Schedule.
12 & 13 Geo. 6. c. 41.	The Ireland Act, 1949 ...	Section six.
12 & 13 Geo. 6. c. xiv.	The City of London (Various Powers) Act, 1949.	Section ten.
	ACTS OF THE IRISH PARLIAMENT	
40 Geo. 3. c. 29.	An Act to regulate the mode by which the Lords Spiritual and Temporal, and the Commons to serve in the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament.	In section seven, the words from "and such writs and the "returns" to the end of the section.
40 Geo. 3. c. 38.	An Act for the Union of Great Britain and Ireland.	In section eight, the words from "and such writs and the "returns" to the end of the section.

9TH SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
	ORDERS IN COUNCIL	
S.R. & O., 1921, No. 1802.	The Supreme Court of Judicature (Northern Ireland) Order, 1921.	Article fourteen.
S.R. & O., 1922, No. 1352.	The Government of Ireland (Election Laws Adaptation) (Northern Ireland) Order, 1922.	The whole Order.
S.R. & O., 1924, No. 927.	The Election Laws (Northern Ireland) Order, 1924.	The whole Order.
	ORDER OF THE SECRETARY OF STATE	
S.I. 1949, No. 719.	The Election Laws (Adaptation) Order, 1949.	The whole Order.

TABLE OF STATUTES REFERRED TO IN THIS ACT

Short Title	Session and Chapter
Levy of Fines Act, 1822	3 Geo. 4. c. 46.
County Police Act, 1839	2 & 3 Vict. c. 93.
County Police Act, 1840	3 & 4 Vict. c. 88.
Fines Act (Ireland), 1851	14 & 15 Vict. c. 90.
Petty Sessions (Ireland) Act, 1851 ...	14 & 15 Vict. c. 93.
Election Commissioners Act, 1852 ...	15 & 16 Vict. c. 57.
Lands Valuation (Scotland) Act, 1854 ...	17 & 18 Vict. c. 91.
County and Borough Police Act, 1856 ...	19 & 20 Vict. c. 69.
Parliamentary Elections Act, 1868 ...	31 & 32 Vict. c. 125.
Bank Holidays Act, 1871	34 & 35 Vict. c. 17.
Prosecution of Offences Act, 1879 ...	42 & 43 Vict. c. 22.
Municipal Corporations Act, 1882 ...	45 & 46 Vict. c. 50.
Corrupt and Illegal Practices Prevention Act, 1883	46 & 47 Vict. c. 51.
Municipal Elections (Corrupt and Illegal Practices) Act, 1884	47 & 48 Vict. c. 70.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Bodies Corrupt Practices Act, 1889	52 & 53 Vict. c. 69.
Rules Publication Act, 1893	56 & 57 Vict. c. 66.
Licensing (Scotland) Act, 1903	3 Edw. 7. c. 25.
Sheriff Courts (Scotland) Act, 1907 ...	7 Edw. 7. c. 51.
Licensing (Consolidation) Act, 1910 ...	10 Edw. 7 and 1 Geo. 5. c. 24.
Representation of the People Act, 1918 ...	7 & 8 Geo. 5. c. 64.
Income Tax Act. 1918	8 & 9 Geo. 5. c. 40.

Short Title	Session and Chapter
Government of Ireland Act, 1920 ...	10 & 11 Geo. 5. c. 67.
Police Pensions Act, 1921	11 & 12 Geo. 5. c. 31.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
Local Government (Scotland) Act, 1947...	10 & 11 Geo. 6. c. 43.
Representation of the People Act, 1948 ...	11 & 12 Geo. 6. c. 65.

CHAPTER 69

New Forest Act, 1949

ARRANGEMENT OF SECTIONS

Section
1. Constitution of verderers.
2. Qualification of elective verderers.
3. Qualification of electors.
4. Designation of lands entitled to rights of common.
5. Procedure for holding elections.
6. Transitional provisions as to election of verderers.
7. Constitution of electoral districts.
8. Courts of swainmote sitting in judicial capacity.
9. Byelaws and marking fees.
10. Amendment as to publication of accounts.
11. Duty of Forestry Commissioners as to drainage of Forest and clearance of seedlings.
12. Enclosures for growth of timber.
13. Regeneration of ancient and ornamental woods.
14. Enclosures for cultivation and improvement of grazing.
15. Temporary enclosures in case of outbreaks of disease.
16. Trunk roads.
17. Roads other than trunk roads.
18. Power of Minister to grant licences.
19. Exchanges of land in the Forest.
20. Expenses and receipts.
21. Orders and regulations.
22. Repeals.
23. Short title, construction and citation.

SCHEDULES:

First Schedule.—Preparation and Revision of Electoral Register.
Second Schedule.—Enactments Repealed.