DRAFT STATUTORY INSTRUMENTS

2012 No.

The Police and Crime Commissioner Elections Order 2012

PART 2

Exercise of franchise for PCC elections

Registration

Effect of register of electors

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

(2) Paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register of electors.

(3) A person registered in the register of electors, or entered in the list of proxies, is not excluded from voting at a PCC election on any of the grounds specified in paragraph (4): but this does not prevent the rejection of the vote on a scrutiny, or affect the person's liability to any penalty for voting.

(4) The grounds are—

(a) that the person is not of voting age;

(b) that the person is not, or, on the relevant date or the date of the person's appointment as proxy (as the case may be), was not—

(i) a Commonwealth citizen,

(ii) a citizen of the Republic of Ireland,

(iii) a relevant citizen of the Union;

(c) that the person is, or, on the relevant date or the date of the person's appointment as proxy (as the case may be), was, otherwise subject to any other legal incapacity to vote.

(5) In paragraph (4) "the relevant date" means—

(a) in relation to a person registered in the register of electors as published in accordance with section 13(1) of the 1983 Act, the 15th October immediately preceding the date of publication of the register;

(b) in relation to any other person registered in the register of electors, the relevant date for the purposes of section 4 of the 1983 Act.

Effect of misdescription

5.—(1) No misnomer or inaccurate description of any person or place named—

(a) in the register of electors, or

(b) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Order,

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

Discharge of registration duties

6.—(1) A registration officer must 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 the officer's functions under this Order.

(2) The Secretary of State may give a direction under this article only if it is in accordance with a recommendation of the Commission.

(3) Any of the duties and powers of a registration officer under this Order may be performed and exercised by any deputy for the time being approved by the local authority which appointed the registration officer, and the provisions of this Order apply to any such deputy so far as respects any duties or powers to be performed or exercised by the deputy as they apply to the registration officer.

(4) Any acts authorised or required to be done by or with respect to the registration officer under this Order may, in the event of the officer's incapacity to act or of a vacancy, be done by or with respect to the proper officer of the local authority by which the registration officer was appointed.

(5) Each local authority must place the services of such of its officers as are required at the disposal of a registration officer on whom functions are conferred by this Order for the purpose of assisting the registration officer in the discharge of those functions.

(6) "Proper officer" means a proper officer within the meaning of section 270(3) of the Local Government Act 1972(**1**).

Payment of expenses of registration

7.—(1) Any expenses properly incurred by a registration officer in the performance of the officer's functions under this Order are to be paid by the local authority by which the registration officer was appointed.

(2) Such expenses are referred to in paragraph (4) as "registration expenses".

(3) Any fees paid to the registration officer under this Order must be accounted for by the officer and paid to the local authority by which the officer was appointed.

(4) On the request of a registration officer for an advance on account of registration expenses, the local authority by which the registration officer was appointed may, if they think fit, make such an advance to the officer of such an amount and subject to such conditions as they may approve.

Effect of registration appeals

8.—(1) An appeal to the county court or Court of Appeal by virtue of a relevant provision which is pending when notice of a PCC election is given does not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision is as good as if no such appeal had been brought and is not affected by the decision of the appeal.

(2) Where, as a result of the decision on an appeal by virtue of section 56 of the 1983 Act, an alteration in the register of electors takes effect under section 13(5), 13A(2) or 13B(3) or (3B) of the 1983 Act(**2**) (effective dates of register following conclusion of canvass and notices of alterations

(**1**) 1972 c.70.
(**2**) Section 13A of the Representation of the People Act 1983 was substituted by paragraph 6 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000. Section 13B was inserted by paragraph 3 of Schedule 2 to the Representation of the People Act 2000 (c.2) and amended by section 11(3) of the Electoral Administration Act 2006 (c.22) and section 74 of, and

of register) on or before the date of the poll for a PCC election, paragraph (1) does not apply to that appeal as respects that election.

(3) "Relevant provision" means—

(a) section 56 of the 1983 Act;

(b) regulation 21 of the European Parliamentary Elections Regulations 2004(**3**).

paragraph 3 of Schedule 10 to, the Police Reform and Social Responsibility Act 2011 (c.13). Subsections (3B) and (3D) were inserted by section 11(4) of the Electoral Administration Act 2006.

(**3**) S.I. 2004/293.