
Changes to legislation: Political Parties, Elections and Referendums Act 2000, Cross Heading: Term of office etc. of Electoral Commissioners is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

THE ELECTORAL COMMISSION

Term of office etc. of Electoral Commissioners

- 3 (1) Subject to the provisions of this paragraph, an Electoral Commissioner shall hold office as such Commissioner—
- (a) for the period for which he is appointed, and
 - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which an Electoral Commissioner is appointed shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) [^{F1}Subject to sub-paragraph (3A), an Electoral Commissioner] shall cease to hold office on the occurrence of any of the following events—
- (a) he consents to being nominated as a candidate at a relevant election (within the meaning of Part II) or to being included in a registered party's list of candidates at such an election;
 - (b) he takes up any office or employment in or with—
 - (i) a registered party or any accounting unit of such a party,
 - (ii) a recognised third party (within the meaning of Part VI), ^{F2}...
 - (iii) a permitted participant (within the meaning of Part VII)[^{F3}, or
 - (iv) an accredited campaigner within the meaning of Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule)]
 - (c) he is named as a donor in [^{F4}—
 - (i) the register of donations reported under Chapter 3 or 5 of Part 4,
 - (ii) any quarterly or weekly report delivered to the Commission under section 95A or 95B, or
 - (iii) any statement of donations included in a return delivered to the Commission under section 98 or 122 [^{F5}or in a recall petition return delivered to a petition officer under paragraph 6 of Schedule 5 to the Recall of MPs Act 2015] ;]
 - [^{F6}(ca) he is named as a participant in the register of recordable transactions reported under Part 4A;]
 - (d) he becomes a member of a registered party.
- [^{F7}(3A) Paragraph (d) of sub-paragraph (3) does not apply to a nominated Commissioner (within the meaning of section 3A).]
- (4) An Electoral Commissioner may be removed from office by Her Majesty in pursuance of an Address from the House of Commons.

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- (5) No motion shall be made for such an Address unless the Speaker’s Committee have presented a report to the House of Commons stating that the Committee are satisfied that one or more of the following grounds is made out in the case of the Electoral Commissioner in question—
- (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months;
 - (b) he has failed to comply with the terms of his appointment;
 - (c) he has been convicted of a criminal offence;
 - (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he has not been discharged;
 - [^{F8}(da) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);]
 - (e) he has made an arrangement or composition contract with, or has granted a trust deed for, his creditors;
 - (f) he is otherwise unfit to hold his office or unable to carry out its functions.
- (6) A motion for such an Address shall not be made on the ground mentioned in subparagraph (5)(a) if more than 3 months have elapsed since the end of the period in question.
- (7) An Electoral Commissioner may be relieved of his office by Her Majesty at his own request.
- (8) In this paragraph “registered party” includes, in relation to times before the appointed day for the purposes of Part II of this Act, a party registered under the ^{M1}Registration of Political Parties Act 1998.
- ^{F9}(9)

Textual Amendments

- F1** Words in Sch. 1 para. 3(3) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(2\)\(a\)](#)
- F2** Word in Sch. 1 para. 3(3)(b)(ii) omitted (4.3.2016) by virtue of [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 3\(9\)\(a\)](#); S.I. 2016/290, reg. 2
- F3** Sch. 1 para. 3(3)(b)(iv) and word inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 3\(9\)\(a\)](#); S.I. 2016/290, reg. 2
- F4** Words in Sch. 1 para. 3(3)(c) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. 33(5), 45(3)(b) (with s. 46(1)(2))
- F5** Words in Sch. 1 para. 3(3)(c)(iii) inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 3\(9\)\(b\)](#); S.I. 2016/290, reg. 2
- F6** Sch. 1 para. 3(3)(ca) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), {Sch. 1 para. 152}; S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25(j) (subject to art. 4, Sch. 2)
- F7** Sch. 1 para. 3(3A) inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(2\)\(b\)](#)
- F8** Sch. 1 para. 3(5)(da) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, [Sch. 2 para. 44\(a\)](#) (with art. 5)
- F9** Sch. 1 para. 3(9) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

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Marginal Citations

M1 1998 c. 48.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(2A) inserted by 2022 c. 37 s. 18(1)
- s. 4A-4E and cross-heading inserted by 2022 c. 37 s. 16
- s. 8(3)(d) inserted by 2011 c. 13 Sch. 10 para. 12
- s. 13ZA and cross-heading inserted by 2022 c. 37 s. 17(1)
- s. 54(1)(aa) inserted by 2009 c. 12 s. 9(1)
- s. 54(1)(aa) substituted by 2009 c. 12 s. 10(1)
- s. 54(2ZA)-(2ZC) inserted by 2009 c. 12 s. 10(3)
- s. 56(1A) inserted by 2009 c. 12 s. 10(5)
- s. 56(2)(aa) inserted by 2009 c. 12 s. 9(3)(b)
- s. 56(3B) inserted by 2009 c. 12 s. 9(4)
- s. 71H(3ZA) inserted by 2009 c. 12 Sch. 6 para. 19
- s. 71L(9A) inserted by 2009 c. 12 s. 11(2)
- Sch. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by 2022 c. 37 s. 19(2)
- Sch. 1 para. 2(2) inserted by 2022 c. 37 s. 19(4)
- Sch. 1 para. 2(1) words inserted by 2022 c. 37 s. 19(3)(a)
- Sch. 1 para. 2(1) words omitted by 2022 c. 37 s. 19(3)(b)
- Sch. 2 para. 2(1A) inserted by 2022 c. 37 s. 18(2)
- Sch. 2 para. 4 and cross-heading inserted by 2022 c. 37 s. 17(2)
- Sch. 7 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 1(1)
- Sch. 7 para. 8(1A) inserted by 2009 c. 12 Sch. 4 para. 2
- Sch. 7 para. 10(5)(aa) inserted by 2009 c. 12 Sch. 3 para. 2(5)(b)
- Sch. 7 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 1(1)
- Sch. 7 para. 10(5)(aa) words inserted by 2009 c. 12 Sch. 4 para. 3(3)
- Sch. 7A para. 8(9A) inserted by 2009 c. 12 s. 11(5)
- Sch. 7A para. 9(10)(ba) inserted by 2009 c. 12 s. 11(6)(b)
- Sch. 11 para. 4(3) inserted by 2009 c. 12 Sch. 6 para. 29(2)
- Sch. 11 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 4(1)
- Sch. 11 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 5
- Sch. 11 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 4(1)
- Sch. 11 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 29(3)
- Sch. 15 para. 4(3)(4) inserted by 2009 c. 12 Sch. 6 para. 30(2)(b)
- Sch. 15 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 7(1)
- Sch. 15 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 8
- Sch. 15 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 7(1)
- Sch. 15 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 30(3)