
DRAFT STATUTORY INSTRUMENTS

2012 No.

The Police and Crime Commissioner Elections Order 2012

PART 3

The election campaign

The election agent

Appointment of election agent

26.—(1) Not later than the latest time for the delivery of notices of withdrawals of candidature for a PCC election—

- (a) a person must be named by or on behalf of each candidate as the candidate's election agent, and
- (b) the name and address of the candidate's election agent must be declared in writing by the candidate or some other person on the candidate's behalf to the police area returning officer.

(2) A candidate may name himself or herself as election agent.

(3) A candidate who names himself or herself as election agent is, so far as circumstances admit, subject to the provisions of this Order both as a candidate and as an election agent, and, except where the context otherwise requires, any reference in this Order to an election agent is to be construed as referring to the candidate acting in the capacity of election agent.

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

(5) If whether before, during or after the PCC election the appointment (or deemed appointment) of an election agent is revoked or an election agent dies—

- (a) another election agent must be appointed forthwith, and
- (b) the name and address of the election agent appointed must be declared in writing to the police area returning officer.

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

(7) Upon the name and address of an election agent being declared to the police area returning officer, the officer must forthwith give public notice of the name and address and must forward it to the local returning officer for each voting area wholly or partly comprised in the police area.

Nomination of sub-agent

27.—(1) An election agent for a candidate at a PCC election may appoint to act in any part of the police area one, but not more than one, deputy election agent (in this Order referred to as a "sub-agent").

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

- (a) anything done for the purposes of this Order by or to the sub-agent in the part of the police area for which the sub-agent acts is deemed by virtue of this sub-paragraph to be done by or to the election agent, and
- (b) any act or default of a sub-agent which, if the sub-agent were the election agent, would be an illegal practice or other offence against this Order is an illegal practice and offence against this Order committed by the sub-agent, and the sub-agent is liable to punishment accordingly, and
- (c) the candidate is to suffer the like incapacity as if that act or default had been the election agent's act or default.

(3) Not later than the fifth day before the day of the poll the election agent must declare in writing the name and address of every sub-agent to the police area returning officer.

(4) The appointment of a sub-agent—

- (a) is not vacated by the election agent who appointed the sub-agent ceasing to be election agent, but
- (b) may be revoked by whoever is for the time being the candidate's election agent,

and in the event of the revocation of the appointment or of the death of a sub-agent another sub-agent may be appointed, and that sub-agent's name and address must forthwith be declared in writing to the police area returning officer.

(5) Upon the name and address of a sub-agent being declared to the police area returning officer under paragraph (3) or (4), the officer must forthwith give public notice of the name and address and must forward it to the local returning officer for each voting area wholly or partly comprised in the police area.

(6) The declaration to be made to the police area returning officer under paragraph (3) or (4), and the public notice to be given by the officer under paragraph (5), must specify the part of the police area within which the sub-agent is appointed to act.

Office of election agent and sub-agent

28.—(1) Every election agent and every sub-agent must have an office to which all claims, notices, legal process and other documents may be sent.

(2) The address of the office must be—

- (a) declared to the police area returning officer at the same time as the appointment of the agent is declared to the officer,
- (b) stated in the public notice of the name of the agent, and
- (c) forwarded by the officer to the local returning officer for each voting area wholly or partly comprised in the police area.

(3) The office of the election agent must be within the police area.

(4) The office of a sub-agent must be in the area within which the sub-agent is appointed to act.

(5) Any claim, notice, legal process or other document delivered at the office of a person who is the election agent or sub-agent and addressed to that person, is deemed to have been served on that person.

(6) The person who is acting as agent or sub-agent in a PCC election may in respect of any matter connected with the election be sued in any court having jurisdiction at the place where the person's office is situated.

Effect of default of election agent's appointment

29.—(1) If no person's name and address is given as required by article 26 as the election agent of a candidate who remains validly nominated at the latest time for delivery of notices of withdrawals, the candidate is deemed at that time to be appointed as election agent and any appointment of another person as the candidate's election agent is revoked by virtue of this paragraph.

(2) If—

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

(b) a new appointment is not made on the day of the death or on the following day,
the candidate is deemed to be appointed as election agent as from the time of death.

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

(4) The deemed appointment of a candidate as the candidate's own election agent may be revoked as if it were an actual appointment.

(5) Where a candidate is by virtue of this article to be treated as the candidate's own election agent, the office of the election agent is deemed to be—

(a) at the candidate's address as given in the statement of persons nominated (or where the address is not given on that statement, the address as given under rule 5(5) of the PCC elections rules), or

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

(6) The police area returning officer on being satisfied that a candidate is by virtue of this article to be treated as the candidate's own election agent, must forthwith—

(a) give public notice to the like effect as if the name and address of the candidate and the address of the candidate's office had been duly given to the officer under articles 26 and 28, and

(b) forward the information to the local returning officer for each voting area wholly or partly comprised in the police area.

(7) Paragraph (6) applies whether or not a statement has been made under rule 5(6) of the PCC elections rules requiring the candidate's home address not to be made public.