



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART III

#### LEGAL PROCEEDINGS

##### *Supplemental*

#### **182 Rules of procedure**

- (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) In relation to the power conferred by subsection (1) above to make rules—
  - (a) that power shall be exercisable by statutory instrument, and be treated for the purposes of the Statutory Instruments Act 1946 as if conferred on a Minister of the Crown; and
  - (b) a statutory instrument containing rules under subsection (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) This section does not apply to Scotland, but the Court of Session has power to make acts of sederunt for the purposes of Part II and this Part.
- (4) This section does not apply to Northern Ireland.

#### **183 Costs**

- (1) The rules of the Supreme Court with respect to costs to be allowed in actions, causes and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part II or this Part of this Act, and the taxing officer shall not allow any costs higher than would be allowed in any action, cause or matter in the High Court on a common fund basis.
- (2) Where any costs or other sums are, under the order of an election court or otherwise under this Part, to be paid by any person, those costs or sums shall be due from that

person to the person or persons to whom they are to be paid and, if payable to the Treasury, shall be a debt due to Her Majesty and in either case may be recovered accordingly.

- (3) The above provisions of this section do not apply to Scotland, but those costs shall, subject to any regulations which the Court of Session may make by act of sederunt, be taxed as nearly as possible according to the same principles as expenses between solicitor and client are taxed in a cause in the Court of Session, or, when incurred in relation to an election of councillors, the sheriff court.

#### **184 Service of notices**

- (1) Any summons, notice or document required to be served on any person with reference to any proceeding respecting an election for the purpose of causing him to appear before the High Court, the county court, or any election court, or otherwise or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any court for any purpose of this Part of this Act may be served—
- (a) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or by the recorded delivery service, to his last known place of abode in the constituency or, as the case may be, the area of the authority for which the election was held ; or
  - (b) if the proceeding is before any court in such other manner as the court may direct.
- (2) In proving service by post under this section it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered or recorded with the Post Office.

#### **185 Interpretation of Part III**

In this Part of this Act, unless the context otherwise requires—

- " appropriate officer " has the same meaning as in section 67(7) above;
- " candidate " has the same meaning as in Part II of this Act and the saving in section 117(1) above applies in relation to this Part as in relation to Part II;
- " costs " includes charges and expenses;
- " date of the allowance of an authorised excuse " has the meaning assigned to it by section 86(8) above or paragraph 7 of Schedule 4 to this Act, as the case may be;
- " declaration as to election expenses " means a declaration made under section 82 above or, as the case may be, paragraph 3 of Schedule 4 to this Act;
- " judicial office " includes the office of justice of the peace ;
- " Licensing Acts " means the Licensing Act 1964 and the Acts amending that Act, or the corresponding enactments forming part of the law of Scotland or Northern Ireland;
- " money " and " pecuniary reward " shall be deemed to include—
  - (a) any office, place or employment, and
  - (b) any valuable security or other equivalent of money, and
  - (c) any valuable consideration, and expressions referring to money shall be construed accordingly ;
- " payment " includes any pecuniary or other reward ;
- " prescribed " means prescribed by rules of court, or, in Northern Ireland, such rules under section 55 of the Judicature (Northern Ireland) Act 1978 ;

" public office " means any office—

- (a) under the Crown, or
- (b) under the charter of a city or borough, or
- (c) under the Acts relating to local government or public health or public education, whether the office is that— (i) of mayor, provost, chief magistrate, chairman, alderman, councillor, member of a board, commission or other local authority in any local government or other area ;  
or
  - (i) of proper officer or other officer under a council, board, commission or other authority ; or
  - (ii) of any other office to which a person is elected or appointed under any such charter or enactment as is mentioned above, including any other municipal or parochial office;

" return as to election expenses " means a return made under section 81 above or, as the case may be, paragraph 3 of Schedule 4 to this Act;

" Speaker " includes Deputy Speaker and, where the office of Speaker is vacant. Clerk of the House of Commons, or any other officer for the time being performing the duties of Clerk of the House of Commons.

## **186 Computation of time for purposes of Part III**

Section 119 above applies in computing any period of time for the purposes of this Part of this Act as for the purposes of Part II of this Act.