



Representation of the People Act 1983

1983 CHAPTER 2

PART IV

SPECIAL PROVISIONS AS TO OTHER LOCAL ELECTIONS

England and Wales, and Scotland

187 Application of Act to certain local elections. **E+W+N.I.**

- (1) The following provisions of this Act—
- (a) in Part I, sections . . . ^{F1}, 60 [^{F2}, 62A] and 66,
 - (b) Parts II and III,
 - (c) in this Part, section 189,
- so far as they apply to an election in England and Wales of—
- (i) . . . ^{F3}, parish or community councillors, or
 - (ii) the chairman of a . . . ^{F3}, parish or community council or parish meeting,
- have effect subject to such adaptations, modifications and exceptions as may be made by rules under section 36 above, but nothing in this subsection affects the operation of section 96 or section 100 above.
- (2) Sections 48 (1) and (2) and [^{F4}63] above have effect as if any reference in them to a local government election included a reference to any other election under the local government Act [^{F5}or the Local Government (Scotland) Act 1973].

Extent Information

- E1** This version of this provision extends to England and Wales and Northern Ireland only; a separate version has been created for Scotland only.

Textual Amendments

- F1** "51(2)" repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 28, [Sch. 5](#)

Status: Point in time view as at 02/05/2007.

Changes to legislation: Representation of the People Act 1983, Part IV is up to date with all changes known to be in force on or before 28 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)

- F2** Words in s. 187(1)(a) inserted (11.9.2006) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 124**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(d) (subject to transitional provisions in art. 4, Sch. 2)
- F3** Word repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 64(a), **Sch. 5**
- F4** "63" substituted for "64" by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 64(b)**
- F5** Words in s. 187(2) inserted (1.4.1996) by S.I. 1996/739, art. 7(1), **Sch. 1 para. 5(2)**

187 Application of Act to certain local elections. **S**

(1) The following provisions of this Act—

- (a) in Part I, sections . . . , 60 [^{F2}, 62A] and 66,
- (b) Parts II and III,
- (c) in this Part, section 189,

so far as they apply to an election in England and Wales of—

- (i) . . . , parish or community councillors, or
- (ii) the chairman of a . . . , parish or community council or parish meeting,

have effect subject to such adaptations, modifications and exceptions as may be made by rules under section 36 above, but nothing in this subsection affects the operation of section 96 or section 100 above.

(2) Sections 48 (1) and (2) and [^{F4}63] above have effect as if any reference in them to a local government election included a reference to any . . . election under the [^{F25}Local Government etc. (Scotland) Act 1994 (c. 39)][^{F5}or the Local Government (Scotland) Act 1973].

Textual Amendments

- F2** Words in s. 187(1)(a) inserted (11.9.2006) by Electoral Administration Act 2006 (c. 22), ss. 74(1), 77, **Sch. 1 para. 124**; S.I. 2006/1972, **art. 3**, Sch. 1 paras. 24, 25(d) (subject to transitional provisions in art. 4, Sch. 2)
- F4** "63" substituted for "64" by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 64(b)**
- F5** Words in s. 187(2) inserted (1.4.1996) by S.I. 1996/739, art. 7(1), **Sch. 1 para. 5(2)**
- F25** Words in s. 187(2) substituted (S.) (2.5.2007) by Local Governance (Scotland) Act 2004 (asp 9), **ss. 5(1)(c)(ii), 17**; S.S.I. 2007/25, **art. 2(2)**

188 Parts II and III as to local elections in Scotland.

[^{F6}Except in the phrase “election to any public office” wherever it is used, references in Parts II and III and section 189 of this Act to elections or to elections under the local government Act do not include references to elections under the [^{F7}Local Government etc. (Scotland) Act 1994] other than elections of councillors.]

Textual Amendments

- F6** S. 188 repealed (S.) (2.5.2007) by Local Governance (Scotland) Act 2004 (asp 9), **ss. 5(1)(d), 17(2)**; S.S.I. 2007/25, **art. 2(2)**

Status: Point in time view as at 02/05/2007.

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F7 Words in s. 188 substituted (1.4.1996) by S.I. 1996/739, art. 7(1), Sch. 1 Pt. I para. 5(3)

189 Voting offences at certain local elections.

(1) If a person—

- (a) votes, or induces or procures any person to vote, at an election under the local government Act which is not a local government election,
- (b) knowing that he or that person is prohibited by any enactment from voting at that election,

he shall be guilty of an illegal practice.

(2) A candidate shall not be liable nor shall his election be avoided for any illegal practice under subsection (1) above committed without his knowledge or consent.

Modifications etc. (not altering text)

- C1** S. 189 applied with modifications (E.W.) by S.I. 1987/1, **Rules 2, 6** and S.I. 1986/2215, **Rules 2, 9** (which S.I. was revoked (2.1.2007) by S.I. 2006/3305, rule1(4), **Sch. 1**)
- C2** S. 189 modified (E.W.) (2.1.2007 for certain purposes) by **The Local Elections (Parishes and Communities) (England and Wales) Rules 2006** (S.I. 2006/3305), rules 1, **6**

[^{F8} The Greater London Authority

Textual Amendments

- F8** S. 189A and preceding cross-heading inserted (14.12.1999) by 1999 c. 29, s. 17, **Sch. 3 paras. 37** (with Sch. 12 para. 9(1)); S.I. 1999/3376, **art. 2**

^{F9}189A Extension of references to elections under the local government Act.

.....]

Textual Amendments

- F9** S. 189A omitted (27.5.2000) by virtue of S.I. 2000/1435, art. 2, **Sch. Pt. II para. 12(3)**

^{F10}190

Textual Amendments

- F10** S. 190 repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, Sch. 4 para. 65, **Sch. 5**

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The City

191 Municipal elections in the City.

(1) For the purposes of—

- (a) sections . . . ^{F11}, 60 ^{F12}, 61 and 62A] in Part I of this Act,
- (b) the whole of Part II of this Act except sections 96 and 99,
- (c) the whole of Part III of this Act,
- (d) section 189 above and sections ^{F13}193] to 198 below, and
- (e) the whole of Part V of this Act,

“local government election” and “election under the local government Act” include a municipal election in the City (that is, an election to the office of mayor, alderman, common councilman or sheriff and also the election of any officer elected by the mayor, alderman and liverymen in common hall),

“corporate office” includes each of those offices,

“local government area” includes the City,

“clerk of the authority” means in relation to the City, the town clerk of the City,

“electoral area” means in relation to a ward election, the ward, and in relation to any other municipal election in the City, the City.

In relation to municipal elections in the City those enactments have effect subject to the modifications mentioned in sections ^{F13}193] to 196 below.

(2) Schedule 6 to this Act has effect as regards the operation of Part II (ward elections) of the ^{M1}City of London (Various Powers) Act 1957 ^{F14} and the City of London (Ward Elections) Act 2002].

Textual Amendments

- F11** "51(2)" repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 28, Sch. 5](#)
- F12** Words in s. 191(1)(a) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77, Sch. 1 para. 125; S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25\(d\)](#) (subject to transitional provisions in art. 4, Sch. 2)
- F13** "193" substituted for "192" by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 24, Sch. 4 para. 66](#)
- F14** Words in s. 191(2) inserted (7.11.2002) by [City of London \(Ward Elections\) Act 2002 \(c. vi\), s. 9\(1\), Sch. 1 Pt. 2 para. 4](#)

Marginal Citations

- M1** 1957 c. x.

^{F15}192

Textual Amendments

- F15** S. 192 repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 28, Sch. 5](#)

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193 Personation and other voting offences.

In relation to municipal elections in the City—

- (a) in sections 60 [F16, 61 and 62A] above “vote” does not include voting otherwise than on a poll; and
- (b) in section 61(2), paragraph (a)(ii) does not apply.

Textual Amendments

- F16** Words in s. 193(a) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\), ss. 74\(1\), 77, Sch. 1 para. 126; S.I. 2006/1972, art. 3, Sch. 1 paras. 24, 25\(d\)](#) (subject to transitional provisions in [art. 4, Sch. 2](#))

194 Broadcasting.

In relation to municipal elections in the City—

- (a) neither section 92 nor section 93 above apply by virtue of section 191 above to municipal elections in the City other than ward elections; and
- (b) for the purposes of section 93(1) a ward election shall be deemed to be pending during the period beginning—
 - (i) in the case of an annual election three weeks before the day fixed for the election, and
 - (ii) in other cases with the day on which the precept is issued.and ending in all cases with the day of the poll (or, if no poll is taken, with the day fixed for the election).

195 Disturbances at meetings.

In relation to municipal elections in the City—

- (a) in section 97 above 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 after that up to and including the day of the poll; but
- (b) in relation to a meeting held with reference to an election other than an annual election that section does not apply to an offence committed on or before the day on which the precept is issued.

196 Costs or expenses.

In relation to municipal elections in the City, any costs or expenses directed to be paid under section 132 F17 . . . above by the authority for which the election was held shall—

- (a) if incurred in respect of a ward election, be paid out of the general rate; and
- (b) in any other case, be paid by the chamberlain of the City out of the City’s cash.

Textual Amendments

- F17** Words repealed by [Representation of the People Act 1985 \(c. 50, SIF 42\), s. 28, Sch. 5](#)

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197 Candidate’s expenses: ward, and liverymen in common hall, elections.

- (1) For a candidate at a ward election in the City the maximum amount of election expenses is [^{F18}£266] together with an additional [^{F19}5.2p] for every elector (taken according to the enumeration of the ward list to be used at the election); but the provision made by section 76(6) above for increasing the maximum amount of election expenses in the event of a candidate’s death applies to the maximum amount under this subsection.
- (2) A candidate at an election by liverymen in common hall need not have an election agent, his maximum amount of election expenses is [^{F20}28.3p] for every elector on the common hall register to be used at the election], and section 90 above and Schedule 4 to this Act apply at such an election as they apply to an election of parish councillors, but the form of declaration as to election expenses shall be such as may be prescribed by Act of Common Council [^{F22}and in this subsection “common hall register” means the list prepared under section 4 of the ^{M2}City of London Ballot Act 1887].
- (3) The Secretary of State may by order vary a maximum amount of the candidate’s election expenses specified in subsection (1) or subsection (2) above where in his opinion there has been a change in the value of money since the last occasion on which that amount was [^{F23}fixed (whether by such an order or otherwise)], and the variation shall be such as in his opinion is justified by that change.

[^{F24}The power to make an order under this subsection is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F18** Words in s. 197(1) substituted (28.1.2005) by [The Representation of the People \(Variation of Limits of Candidates' Election Expenses\) \(City of London\) Order 2005 \(S.I. 2005/153\)](#), **art. 3**
- F19** Words in s. 197(1) substituted (28.1.2005) by [The Representation of the People \(Variation of Limits of Candidates' Election Expenses\) \(City of London\) Order 2005 \(S.I. 2005/153\)](#), **art. 3**
- F20** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 67(a)**
- F21** Words in s. 197(2) substituted (28.1.2005) by [The Representation of the People \(Variation of Limits of Candidates' Election Expenses\) \(City of London\) Order 2005 \(S.I. 2005/153\)](#), **art. 4**
- F22** Words added by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4**, para. 67(a)
- F23** Words substituted by [Representation of the People Act 1985 \(c. 50, SIF 42\)](#), s. 24, **Sch. 4 para. 67(b)**
- F24** Words in s. 197(3) substituted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77, **Sch. 1 para. 127**; [S.I. 2006/1972](#), **art. 3**, Sch. 1 paras. 24, 25(e) (subject to transitional provisions in art. 4, Sch. 2)

Marginal Citations

- M2** 50 & 51 Vict. c.xiii.

198 Effect of avoidance of election to corporate office.

In relation to the City, where a candidate who has been elected to a corporate office is—

- (a) by a certificate of an election court, or
- (b) by a decision of the High Court,

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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.

Status:

Point in time view as at 02/05/2007.

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