



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

- (1) The following provisions of this Act—
 - (a) in Part I. sections 51(2). 60 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) district, parish or community councillors, or
 - (ii) the chairman of a district, parish or community council or a 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 64 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.

188 Parts II and III as to local elections in Scotland

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 Local Government (Scotland) Act 1973 other than elections of councillors.

Status: This is the original version (as it was originally enacted).

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.

190 Voting offences at election of councillors in Scotland

A person who at an election of councillors in Scotland—

- (a) fabricates, in whole or in part, or alters, defaces, destroys, abstracts or purloins any ballot paper, or
- (b) personates any person entitled to vote at the election, or
- (c) falsely assumes to act in the name or on behalf of any person so entitled to vote, or
- (d) interferes with the delivery or collection of any ballot papers, or
- (e) delivers any ballot paper under a false pretence of being lawfully authorised to do so,

shall be liable on summary conviction to a penalty not exceeding level 2 on the standard scale, or to imprisonment for any period not exceeding three months and shall be deemed to have committed an illegal practice.

The City

191 Municipal elections in the City

- (1) For the purposes of—
- (a) sections 51(2), 60 and 61 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 192 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, aldermen 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 192 to 196 below.

- (2) Schedule 6 to this Act has effect as regards the operation of Part II (ward elections) of the City of London (Various Powers) Act 1957.

192 Corrupt and illegal practices lists

In relation to municipal elections in the City—

- (a) in section 51(2) above, for " qualified to be registered in the register of local government electors" substitute " qualified to vote at a municipal election in the City " ; and
- (b) the town clerk of the City shall omit from each ward list the names of all persons mentioned in the corrupt and illegal practices list, and that list shall be printed and appended to every copy of each ward list.

193 Personation and other voting offences

In relation to municipal elections in the City—

- (a) in sections 60 and 61 above " vote" does not include voting otherwise than on a poll; and
- (b) in section 61(2), paragraph (a)(ii) does not apply.

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 or under section 156(2) 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

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(b) in any other case, be paid by the chamberlain of the City out of the City's cash.

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 £120 together with an additional 2-4p 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 £900, 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.
- (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 varied by such an order, and the variation shall be such as in his opinion is justified by that change.

An order under this subsection shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament; and the power to make the order is exercisable by statutory instrument.

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,

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.