



# Representation of the People Act 1983

## 1983 CHAPTER 2

### PART III

#### LEGAL PROCEEDINGS

##### *Procedure on all election petitions*

#### **136 Security for costs.**

- (1) At the time of presenting an election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.
- (2) The security shall be—
  - (a) in the case of a parliamentary election petition, [<sup>F1</sup>such amount not exceeding £5,000 as the High Court or a judge of the High Court, [<sup>F2</sup>directs on an application made by the petitioner]]; and
  - (b) in the case of a petition questioning an election under the local government Act, such amount not exceeding [<sup>F3</sup>£2,500] as the High Court, or a judge of the High Court, [directs on an application made by the petitioner],and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other; but in Scotland—
  - (i) [<sup>F4</sup>the amount mentioned in paragraph (a) above shall be such amount not exceeding £5,000 as the Court of Session or a judge of the Court of Session directs and] the amount mentioned in paragraph (b) above shall be such amount not exceeding [<sup>F5</sup>£2,500] as the election court or the sheriff directs; and
  - (ii) the persons finding caution for that amount may exceed four.
- [<sup>F6</sup>(3) Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

*Status: Point in time view as at 16/02/2001. This version of this provision has been superseded.*

*Changes to legislation: Representation of the People Act 1983, Section 136 is up to date with all changes known to be in force on or before 04 June 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)*

- (a) a notice of the presentation of the petition and of the amount and nature of the security, and
- (b) a copy of the petition.]
- (4) Within a further prescribed time,<sup>F7</sup> . . . the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.
- <sup>F8</sup>(5) . . . . .
- (6) An objection to a recognisance shall be decided in the prescribed manner.
- (7) If the objection is allowed, the petitioner may within a further prescribed time<sup>F9</sup> . . . , remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.
- (8) If no security is given as required by this section or any objection is allowed and not removed as mentioned above, no further proceedings shall be had on the petition.

#### Textual Amendments

- F1** Words substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 48(a)**
- F2** Words in s. 136(2) substituted (16.2.2001) by 2000 c. 41, s. 138(1)(2), **Sch. 18 para. 19(4)**, with s. 156(6); S.I. 2001/222, art. 2, Sch. I Pt. I (with **Sch. 1 Pt. II**)
- F3** "£2,500" substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 48(b)**
- F4** Words inserted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 48(c)(i)**
- F5** "£2,500" substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 48(c)(ii)**
- F6** S. 136(3) substituted by Representation of the People Act 1985 (c. 50, SIF 42), s. 24, **Sch. 4 para. 48(d)**
- F7** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 48(e)(i)**, Sch. 5
- F8** S. 136(5) repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 48(e)(ii)**, Sch. 5
- F9** Words repealed by Representation of the People Act 1985 (c. 50, SIF 42), ss. 24, 28, **Sch. 4 para. 48(e)(iii)**, Sch. 5

#### Modifications etc. (not altering text)

- C1** S. 136 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)-(8), **Sch. 1 Pt. I**  
S. 136 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. I**
- C2** S. 136 applied (with modifications) (N.I.) (4.5.1996) by S.I. 1996/1220, art. 3(1)(b)(5)-(8), **Sch. 1**  
S. 136 applied (with modifications) (11.3.1999) by S.I. 1999/787, art. 85(1)-(3), Sch. 6 Pts. I, II (which S.I. was revoked (21.11.2002 except for specified purposes) by S.I. 2002/2779, **arts. 1, 2** (which S.I. was revoked (15.3.2007) by S.I. 2007/937, **art. 2(a)**))  
S. 136 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), reg. 15(8), **Sch. 5** (which S.I. was revoked (24.7.2008) by S.I. 2008/1848)  
S. 136 applied (with modifications) (2.4.2001) by S.I. 2001/1298, reg. 19(8), **Sch. 6**

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- S. 136 applied (with modifications) (21.11.2002 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2002 \(S.I. 2002/2779\)](#), arts. 1, 81, **Sch. 6 Pts. I, II** (which S.I. was revoked (15.3.2007) by [S.I. 2007/937](#), art. 2(a))
- S. 136 applied (with modifications) (15.3.2007 except for specified purposes) by [The Scottish Parliament \(Elections etc.\) Order 2007 \(S.I. 2007/937\)](#), arts. 1, 83, **Sch. 6 Pts. I, II**
- S. 136 applied (with modifications) (E.) (28.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007 \(S.I. 2007/2089\)](#), reg. 15, **Sch. 6**
- C3** S. 136 applied (with modifications) (W.) (24.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008 \(S.I. 2008/1848\)](#), reg. 11, **Sch. 5**
- C4** S. 136 applied (with modifications) (1.8.2001) by [S.I. 2001/2599](#), art. 3, Sch. 1 (as substituted (10.2.2009) by [S.I. 2009/256](#), arts. 1(2), 3, **Sch. 1**)
- C5** S. 136(2)(b) applied (with modifications) (E.W.) (2.1.2007 for certain purposes) by [The Local Elections \(Parishes and Communities\) \(England and Wales\) Rules 2006 \(S.I. 2006/3305\)](#), **rule 6(b)**

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