



Representation of the People Act 1985

1985 CHAPTER 50

Miscellaneous and supplemental

[^{F1}20] Demise of the Crown and parliamentary elections etc

- (1) Subject to what follows, the demise of the Crown does not affect any proclamation [^{F2}dissolving Parliament or] summoning a new Parliament issued before the demise [^{F3}... (or any other matter relating to a parliamentary election or the summoning of a new Parliament).
 - (2) Subsections (3) to [^{F4}(6A)] apply if the demise occurs [^{F5}at any time between the dissolution of Parliament and the polling day for the next parliamentary general election (“the current election”),] and any relevant writ, notice or other document is to be issued or, if already issued, read accordingly.
 - (3) In relation to the current election, for the purposes of the timetable in rule 1 in Schedule 1 to the principal Act—
 - (a) the polling day shall be—
 - (i) the 14th day after the day which would otherwise have been the polling day, or
 - (ii) if the 14th day is not a working day, the next working day after the 14th day;
 - (b) any working day within the period of 13 days beginning with the day after the demise—
 - (i) shall be disregarded in computing any period of time, and
 - (ii) shall not be treated as a day for the purpose of any proceedings before the polling day.
- [^{F6}(3A) But the Sovereign may by royal proclamation, made on the advice of the Privy Council, appoint an alternative polling day, in place of the day that would otherwise have been the polling day under subsection (3)(a) (“the subsection (3)(a) polling day”), which may be—
- (a) no earlier than the 7th day before the subsection (3)(a) polling day, and
 - (b) no later than the 7th day after the subsection (3)(a) polling day.

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(3B) If an alternative polling day is appointed under subsection (3A), subsection (3) applies as if—

(a) for paragraph (a) there were substituted—

“(a) the polling day shall be the day appointed by the proclamation under subsection (3A);”;

(b) in paragraph (b)—

(i) in a case where the alternative polling day is before the subsection (3) (a) polling day, for “13 days” there were substituted “*x* days” where *x* is 13 minus the number of days that the alternative polling day is before the subsection (3)(a) polling day;

(ii) in a case where the alternative polling day is after the subsection (3) (a) polling day, for “13 days” there were substituted “*y* days” where *y* is 13 plus the number of days that the alternative polling day is after the subsection (3)(a) polling day.]

^{F7}(4)

(5) Section 76 of the principal Act shall have effect in relation to any candidate at the current election as if the maximum amount specified in subsection (2)(a) of that section were increased by one half.

(6) If the proclamation summoning the new Parliament after the current election was issued before the demise, the meeting of the new Parliament shall (subject to any prorogation subsequent to the demise) take place—

(a) on the 14th day after the day appointed in the proclamation for the meeting, or

(b) if the 14th day is not a working day, the next working day after the 14th day.

[^{F8}(6A) But the Sovereign may by royal proclamation, made on the advice of the Privy Council, appoint an alternative day for the meeting of the new Parliament, in place of the day that would otherwise have been the day for the meeting of the new Parliament under subsection (6).]

(7) If the demise occurs within the period of seven days before the day of the dissolution of a Parliament [^{F9}, subsections (2) to (6A)] have effect as if the demise occurred on that day.

(8) In this section “working day” means any day other than one to which rule 2 in Schedule 1 to the principal Act applies in relation to the current election (or would have applied had it fallen before the polling day).]

Textual Amendments

- F1** S. 20 substituted (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\)](#), s. 7(2), [Sch. para. 16](#) (with s. 6)
- F2** Words in s. 20(1) inserted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(2\)\(a\)](#)
- F3** Words in s. 20(1) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(2\)\(b\)](#)
- F4** Word in s. 20(2) substituted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(3\)\(a\)](#)
- F5** Words in s. 20(2) substituted for s. 20(2)(a)(b) (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(3\)\(b\)](#)

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- F6** S. 20(3A)(3B) inserted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(4\)](#)
- F7** S. 20(4) omitted (24.3.2022) by virtue of [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(5\)](#)
- F8** S. 20(6A) inserted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(6\)](#)
- F9** Words in s. 20(7) substituted (24.3.2022) by [Dissolution and Calling of Parliament Act 2022 \(c. 11\)](#), s. 6(3), [Sch. para. 9\(7\)](#)

21 Ordinary elections of parish and community councillors: insufficient nominations.

- (1) This section applies where, at an ordinary election of parish or community councillors in England and Wales, an insufficient number of persons are or remain validly nominated to fill the vacancies in respect of which the election is held.
- (2) Unless the number of newly elected members of the council in question is less than the number that constitutes a quorum for meetings of the council—
- (a) those members may co-opt any person or persons to fill the vacancy or vacancies remaining unfilled,
 - (b) the district council [^{F10}or, in the case of a community council, the county council or county borough council] may exercise the powers conferred by section 39(4) of the principal Act (power ^{F11}. . . by order to do anything necessary for the proper holding of an election etc.) in relation to any such vacancy or vacancies as are not so filled, and
 - (c) section 39(1) of that Act (duty of returning officer to order an election) shall not apply;
- but the powers mentioned in paragraph (b) above shall not be exercised before the expiry of the period of 35 days (computed according to section 40 of that Act) beginning with the day on which the election was held.
- (3) Subsection (7) of section 39 of that Act (parishes in different districts grouped) shall apply for the purposes of subsection (2) above as it applies for the purposes of subsections (4) and (6) of that section and section 40(3) of that Act (computation of time) shall apply for the purposes of subsection (2) above as it applies for the purposes of section 39.

Textual Amendments

- F10** Words in s. 21(2)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), [Sch. 16 para. 74\(2\)\(a\)](#) (with s. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\)](#), 23(2)); S.I. 1996/396, art. 4, [Sch. 2](#)
- F11** Words in s. 21(2)(b) repealed (1.4.1996) by 1994 c. 19, s. 66(6)(8), [Sch. 16 para. 74\(1\)](#), [Sch. 18](#) (with s. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\)](#), 23(2); S.I. 1996/396, art. 4, [Sch. 2](#)

Modifications etc. (not altering text)

- C1** [S. 21](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#) Table D12

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[^{F12}22 Welsh forms

Section 26 of the Welsh Language Act 1993 (power to prescribe Welsh forms of documents or words specified in Acts), except subsection (3), shall apply in relation to regulations made under the principal Act or this Act and rules made (or having effect as if made) under section 36 of the principal Act as it applies in relation to Acts of Parliament.]

Textual Amendments

F12 [S. 22](#) substituted (21.12.1993) by [1993 c. 38](#), [ss. 35\(5\)](#), [36\(1\)](#)

23 Increase in penalties for offences under principal Act, etc.

Schedule 3 to this Act shall have effect for the purpose of increasing the penalties applying in respect of certain offences under the principal Act and otherwise amending the provisions in that Act concerning such penalties.

24 Miscellaneous amendments of principal Act.

The principal Act shall have effect subject to the amendments specified in Schedule 4 to this Act (being miscellaneous amendments including amendments consequential on the provisions of this Act).

25 Amendments of other enactments.

^{F13}(1)

(2) In section 3(7) of the ^{M1}Elections (Northern Ireland) Act 1985 (certain offences to be corrupt practices under the principal Act) for “168(2)(b)” there shall be substituted “168(1)(a)(ii)”.

Textual Amendments

F13 [S. 25\(1\)](#) repealed (1.7.2008) by [Electoral Administration Act 2006 \(c. 22\)](#), [s. 77\(2\)](#), [Sch. 2](#); [S.I. 2008/1316](#), [arts. 2\(3\)](#), [5\(g\)](#)

Marginal Citations

M1 [1985 c. 2](#).

26 Expenses.

- (1) There shall be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums to be charged on and paid out of that Fund under any other Act.
- (2) There shall be paid out of money provided by Parliament—
 - (a) any increase attributable to this Act in the sums to be paid out of money so provided under any other Act, and
 - (b) any administrative expenses incurred by the Secretary of State by virtue of this Act.

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27 Interpretation.

- (1) In this Act—

F14

F15

“principal Act” means the Representation of the ^{M2}People Act 1983.
- (2) The principal Act and sections 1 to 12, 15 to 18 and 21 of and Schedule 1 to this Act shall have effect as if those sections and that Schedule were contained in Part I of that Act, and [^{F16}sections 5 to 7A] of the principal Act (residence) apply for the purposes of sections 1 to 3 of this Act as they apply for the purposes of [^{F17}section 4] of that Act.
- F18(2ZA)

F19(2A)
- (3) References in any enactment other than an enactment contained in this or the principal Act to Part I of that Act include a reference to sections 1 to 12, 15 to 18 and 21 of and Schedule 1 to this Act.

Textual Amendments

- F14

Definition of “the assembly” repealed by [European Communities \(Amendment\) Act 1986 \(c. 58, SIF 29:5\)](#), ss. 3(1), 4(3), [Sch.](#)
- F15

Words in s. 27 repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by [S.I. 2019/1389](#), regs. 1, 2(2))
- F16

Words in s. 27(2) substituted (16.2.2001) by [2000 c. 2](#), s. 15(1), [Sch. 6 para. 18\(a\)](#); [S.I. 2001/116](#), [art. 2\(1\)](#) (subject to transitional provisions in [art. 2\(3\)-\(5\)](#))
- F17

Words in s. 27(2) substituted (16.2.2001) by [2000 c. 2](#), s. 15(1), [Sch. 6 para. 18\(b\)](#); [S.I. 2001/116](#), [art. 2\(1\)](#) (subject to transitional provisions in [art. 2\(3\)-\(5\)](#))
- F18

[S. 27\(2ZA\)](#) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), [Sch. 2 para. 4](#) (with [art. 12](#))
- F19

[S. 27\(2A\)](#) repealed (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S.I. 2003/1887\)](#), art. 9, [Sch. 2 para. 5](#)

Modifications etc. (not altering text)

- C2

[S. 27](#) applied with modifications (N.I.) by [S.I. 1986/2250](#), regs. 2, 3, 5, [Sch. 1 Pt. III](#)
- C3

[S. 27](#) applied with modifications (E.W.S.) by [S.I. 1986/2209](#), regs. 2, 3, 5(1)(6)–(8), [Sch. 1 Pt. II](#)
- C4

[S. 27](#) applied (with modifications) (N.I.) (4.5.1996) by [S.I. 1996/1220](#), [art.3\(1\)\(a\)\(b\)\(5\)-\(8\)](#), [Sch. 1](#)
[S. 27](#) applied (with modifications) (N.I.) (25.4.1998) by [S.I. 1998/1126](#), [art.6\(1\) Sch. 2](#)
[S. 27](#) applied (with modifications) (22.5.1998) by [S.I. 1998/1287](#), art. 3(1)(3), [Sch. 1](#)
- C5

[S. 27](#) 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\(1\)\(2\)](#), [Sch. 1](#))

Marginal Citations

- M2

[1983 c. 2](#).

28 Repeals.

- (1) The enactments mentioned in Schedule 5 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

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- (2) Section 21(3) of the Representation of the ^{M3}People Act 1918 (time appointed for meeting of Parliament not to be less than twenty clear days after proclamation summoning it) shall cease to have effect.
- (3) Article 2(1), (2) and (3) of the ^{M4}Local Government Reorganisation (Consequential Provisions) (Northern Ireland) Order 1973 (which provides for the Chief Electoral Officer for Northern Ireland to be electoral registration officer for constituencies in Northern Ireland and returning officer for parliamentary elections in such constituencies and is superseded by provision made in this Act) is hereby revoked.

Marginal Citations

M3 1918 c. 64 (7 & 8 Geo. 5).

M4 S.I. 1973/2095.

29 Citation, commencement and extent.

- (1) This Act may be cited as the Representation of the People Act 1985 and shall be included among the Acts that may be cited as the Representation of the People Acts.
- (2) This Act (except the provisions mentioned in subsection (3) below) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes.
- (3) Those provisions are—
- sections 25(1) and 27(1) of this Act, this section, the amendment made by paragraph 18 of Schedule 4 to this Act and the repeal made by the entry in Schedule 5 to this Act relating to the ^{M5}Police and Criminal Evidence Act 1984 (which come into force on the day on which this Act is passed), and
 - Schedule 1 to this Act (which may be brought into force under section 10 of this Act).
- (4) This Act, except the provisions mentioned in subsection (5) below, extends to Northern Ireland; and section 10 of and Schedule 1 to this Act extend to Northern Ireland only.
- (5) Those provisions are sections [^{F20}17 and 18], 21 and 22 of this Act and any amendment or repeal by this Act of an enactment not extending to Northern Ireland.

Textual Amendments

F20 Words in s. 29(5) substituted (2.4.2013) by [Electoral Registration and Administration Act 2013 \(c. 6\), ss. 15\(2\), 27\(1\); S.I. 2013/702, art. 3\(b\)](#)

Modifications etc. (not altering text)

C6 S. 29(2) power of appointment conferred by s. 29(2) fully exercised: [S.I. 1985/1185](#), 1986/639, 1080, 1987/207

Marginal Citations

M5 1984 c. 60.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(1)(d)(e) inserted by [2012 c. 11 s. 2\(2\)\(b\)](#)
- s. 15(3ZA) inserted by [2012 c. 11 s. 2\(4\)](#)