



Representation of the People Act 1985

1985 CHAPTER 50

Miscellaneous and supplemental

20 Summoning new Parliament: effect of demise of the Crown

- (1) Where a proclamation summoning a new Parliament has been given, the demise of the Crown shall not, except as provided by this section, affect the summoning of the new Parliament in pursuance of the proclamation or its duration; and accordingly sections 3 and 4 of the Meeting of Parliament Act 1797 (which, if the demise occurs before the day appointed for the meeting of the new Parliament, require the dissolved Parliament to meet and sit for six months and make similar provision in the event of the death of the heir within that period) and section 5 of that Act (which, if the demise occurs on or after that day but before the new Parliament meets and sits, requires the new Parliament to be dissolved within six months) shall cease to have effect.
- (2) Where the demise occurs at any time after the proclamation is given and before the date of the poll—
 - (a) the meeting of Parliament shall (subject to any prorogation subsequent to the demise) take place on the day following the end of the period of fourteen days beginning with the day appointed in the proclamation for the meeting or, if the first-mentioned day is a day to be disregarded in computing any period of time for the purposes of the timetable in the rules in Schedule 1 to the principal Act, on the next day which is not such a day, and
 - (b) that timetable shall have effect for the purposes of the Representation of the People Acts, in relation to anything which at the time of the demise has not been done and was not required to be done before that time, as if the proclamation given, and any proceeding referred to in that timetable (including the receipt of the writ) which has taken place, had been given or taken place on the day following the end of the period of fourteen days beginning with the day on which it was given or took place.
- (3) Where the meeting of Parliament is postponed under subsection (2) above, any writ issued or to be issued in pursuance of the proclamation (whether a writ of election, writ of summons or writ of attendance) shall have effect as if, instead of the date appointed

in the proclamation for the meeting, it specified the date to which the meeting is postponed (but any writ still to be issued may specify the latter date).

- (4) Where the day on or before which or before a certain time in which or between certain times in which anything is required to be done under the Representation of the People Acts is postponed under subsection (2) above, any notice or other document under any provision of those Acts, being a document referring to the original day, shall have effect as if it referred instead to the day determined by virtue of that subsection (but a document under any such provision may specify the latter day).
- (5) Where the date of the poll at an election is postponed under subsection (2) above, section 76 of the principal Act (limitation on election expenses) shall have effect in relation to any candidate at the election as if the maximum amount specified in subsection (2)(a) of that section were increased by one half.

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 may exercise the powers conferred by section 39(4) of the principal Act (power of district council 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.

22 Welsh versions of forms

- (1) In section 2(1) of the Welsh Language Act 1967 (power to prescribe Welsh version of forms, etc. specified in enactments passed either before or after that Act) the reference to any enactment passed either before or after that Act shall include 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.
- (2) Section 199 of the principal Act (translations of statutory forms into Welsh language) shall cease to have effect.

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

- (1) Section 26 of the Police and Criminal Evidence Act 1984. (repeal of statutory powers of arrest) shall not apply to rule 36 in Schedule 1 to the principal Act (power of presiding officer to order constable to arrest person suspected of personation) and, accordingly, in Schedule 2 to the 1984 Act (preserved powers of arrest) there shall be inserted at the appropriate place—

“1983 c.2.

Rule 36 in Schedule 1 to the
Representation of the People Act 1983”.

- (2) In section 3(7) of the 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)".

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.

27 Interpretation

- (1) In this Act—
- " Assembly " means the Assembly of the European Communities,
 - " Assembly election " means an election of a representative to the Assembly and " Assembly general election " means a general election of such representatives, and
 - "principal Act" means the Representation of the 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 sections 5, 6 and 7(1) of the principal Act (residence) apply for the

purposes of sections 1 to 3 of this Act as they apply for the purposes of sections. 1 and 2 of that Act.

- (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.

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.
- (2) Section 21(3) of the Representation of the 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 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.

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—
 - (a) 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 Police and Criminal Evidence Act 1984 (which come into force on the day on which this Act is passed), and
 - (b) 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 15 to 18, 21 and 22 of this Act and any amendment or repeal by this Act of an enactment not extending to Northern Ireland.