

Status: Point in time view as at 01/02/1991.

Changes to legislation: Representation of the People Act 1985, Cross Heading: Part II (the election campaign) is up to date with all changes known to be in force on or before 27 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)

SCHEDULES

SCHEDULE 4

MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

Part II (the election campaign)

- 20 In subsection (4) of section 67 (appointment of election agent) after the word “appointment” there shall be inserted the words “(or deemed appointment)”.
- 21 In subsection (3) of section 68 (nomination of sub-agent at parliamentary elections) for the words “One clear day” there shall be substituted the words “Not later than the second day”.
- 22 In subsection (1)(a) of section 69 (office of election agent and sub-agent) after the word “agent” there shall be inserted the words “is declared to him”.
- 23 In section 70 (effect of default in election agent’s appointment) there shall be inserted after subsection (3)—
- “(3A) The deemed appointment of a candidate as his own election agent may be revoked as if it were an actual appointment.”.
- 24 In section 75 (prohibition of expenses not authorised by election agent)—
- (a) in subsection (2)(a) for the words “within 14 days after the date of publication of the result of the election send” there shall be substituted the words “within 21 days after the day on which the result of the election is declared deliver”;
 - (b) in subsection (4) for the words “14 days after the date of the publication of the result of the election” there shall be substituted the words “21 days after the day on which the result of the election is declared”; and
 - (c) in subsection (5) after the words “fails to” there shall be inserted the words “deliver or”.
- 25 Section 76(3) (power to vary maximum amount of candidates’ election expenses) shall cease to have effect.
- 26 In section 78(1) (claims for election expenses which are not sent to the election agent within 14 days after the declaration of the election result to be barred) and in sections 78(4), 79(1) and 79(4) (which refer to that period) for the words “14 days” there shall be substituted the words “21 days”.
- 27 In section 81 (return as to election expenses)—
- (a) in subsections (1) and (5) for the word “transmit” there shall be substituted the word “deliver”; and
 - (b) in subsection (5) for the word “transmitted” there shall be substituted the word “delivered”.
- 28 In section 82 (declaration as to election expenses)—

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- (a) in subsections (1) and (3) for the word “transmitted”, in each place where it occurs, there shall be substituted the word “delivered”; and
 - (b) in subsection (2) for the words “transmits” and “transmit or cause to be transmitted” there shall be substituted respectively the words “delivers” and “deliver”.
- 29 In section 85 (penalty for sitting or voting where no return and declarations transmitted)—
- (a) in subsection (1) for the word “transmitted”, in both places where it occurs, and for the word “transmit” there shall be substituted respectively the words “delivered” and “deliver”; and
 - (b) for subsection (3) there shall be substituted—
 - “(3) Civil proceedings for a penalty under this section shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.”.
- 30 In section 86 (authorised excuses for failures as to return and declarations)—
- (a) after subsection (1) there shall be inserted—
 - “(1A) Where a person makes an application under this section he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director’s representative may attend the hearing of the application and make representations at the hearing in respect of it.”; and
 - (b) in subsection (2) for the word “transmit”, in each place where it occurs, there shall be substituted the word “deliver”.
- 31 In section 87 (court’s power to require information from election agent or sub-agent) in subsection (3) (under which the court may order a person who fails to comply with an order of the court under the section to pay a fine not exceeding £500) for “£500” there shall be substituted “the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale”.
- 32 In section 88 (publication of time and place for inspection of returns and declarations) in paragraph (a) for the word “transmitting” there shall be substituted the word “delivering”.
- 33 In section 89 (inspection of returns and declarations) for the word “sent”, in both places where it occurs, and the word “sending” there shall be substituted respectively the words “delivered” and “delivering”.
- 34 For subsection (1) of section 91 (candidate’s right to send election address post free) there shall be substituted—
- “(1) A candidate at a parliamentary election is, subject to Post Office regulations, entitled to send free of charge for postage either—
 - (a) one unaddressed postal communication, containing matter relating to the election only and not exceeding 60 grammes in weight, to each place in the constituency which, in accordance with those regulations, constitutes a delivery point for the purposes of this subsection; or

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(b) one such postal communication addressed to each elector.”

Modifications etc. (not altering text)

- C1** Sch. 4 para. 34 applied (N.I.) by S.I. 1986/2250, regs. 2, 3, 5, **Sch. 1 Pt. III**
C2 Sch. 4 para. 34 applied (E.W.S.) by S.I. 1986/2209, regs. 2, 3, 5(1)(6)–(8), **Sch. 1 Pt. II**

- 35 In section 93(2)(b) (period when local government election deemed to be pending for purposes of broadcasting during elections) for the words following “beginning” there shall be substituted the words “with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above”.
- 36 (1) In section 94 (imitation poll cards) after the words “parliamentary election” there shall be inserted the words “or a local government election to which this section applies”.
- (2) At the end of that section there shall be inserted—
- “(2) This section applies to any local government election in relation to which rules made under section 36 or, in Scotland, section 42 above require an official poll card to be sent to electors in a form prescribed by the rules.”.
- 37 In section 95 (schools and rooms for parliamentary election meetings)—
- (a) in subsection (1)—
- (i) after the word “use” there shall be inserted the words “free of charge”;
- (ii) after the word “and” there shall be inserted the words “the day preceding”; and
- (b) in paragraph (a) of subsection (4) for the words from the beginning to “expenses” there shall be substituted the words “shall defray any expenses”.
- 38 For section 96 (schools and rooms for local election meetings) there shall be substituted—

“96 Schools and rooms for local election meetings.

- (1) Subject to the provisions of this section, a candidate at a local government election is entitled for the purpose of holding public meetings in furtherance of his candidature to the use free of charge at reasonable times between the last day on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above and the day preceding the day of election of—
- (a) a suitable room in the premises of a school to which this section applies; or
- (b) a meeting room to which this section applies.
- (2) This section applies—
- (a) in England and Wales, to a county or voluntary school situated in the electoral area for which the candidate is standing (or, if there is no such school in the area, in any such school in an adjacent

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- electoral area) or in a parish or community, as the case may be, in part comprised in that electoral area; and
- (b) in Scotland, to any school (not being an independent school within the meaning of the Education (Scotland) Act 1980) situated in the electoral area for which the candidate is standing (or, if there is no such school in the area, in any such school in an adjacent electoral area).
- (3) This section applies—
- (a) in England and Wales, to any meeting room situated in the electoral area for which the candidate is standing or in a parish or community, as the case may be, in part comprised in that electoral area, the expense of maintaining which is payable wholly or mainly out of public funds or out of any rate, or by a body whose expenses are so payable;
- (b) in Scotland, to any meeting room the expense of maintaining which is payable by the council of a region, islands area or district.
- (4) Subsections (4), (5) and (7) of section 95 above and paragraph 1(1) of Schedule 5 to this Act shall apply for the purposes of this section as they apply for the purposes of that section, and any person stating himself to be, or to be authorised by, a candidate at a local government election in respect of an electoral area which falls (or partly falls) within a constituency, or his election agent, shall be entitled to inspect the lists prepared under Schedule 5 to this Act in relation to the constituency or a copy of them at all reasonable hours during the period beginning with the day on which notice of the election is published and ending with the day preceding the day of election.”.
- 39 In section 97 (disturbances at election meetings) in subsection (2)(b) (section to apply to meetings held on, or within three weeks before, the day of election) for the words “on, or within three weeks before” there shall be substituted the words “in the period beginning with the last date on which notice of the election may be published in accordance with rules made under section 36 or, in Scotland, section 42 above and ending with”.
- 40 Section 103(2) (which exempts carriages used only for the conveyance of electors to or from polls from duty etc.) shall cease to have effect.
- 41 In section 106 (false statements as to candidates) subsection (4) (which disapplies that section in relation to elections of councillors in Scotland) shall cease to have effect.
- 42 In section 108 (premises not to be used as committee rooms)—
- (a) subsection (3) (application of section to licensed premises and premises where refreshments sold for consumption on premises); and
- (b) in subsection (4) the word “also”,
- shall cease to have effect.
- 43 In section 118 (interpretation of Part II) in the definition of “return as to election expenses” for the word “transmitted” there shall be substituted the word “delivered”.

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