



# Representation of the People Act 2000

## 2000 CHAPTER 2

### PART II

#### CONDUCT OF ELECTIONS

##### *New electoral procedures*

#### **10 Pilot schemes for local elections in England and Wales.**

(1) Where—

- (a) a relevant local authority submit to the Secretary of State proposals for a scheme under this section to apply to particular local government elections held in the authority's area, and
- (b) those proposals are approved by the Secretary of State, either—
  - (i) without modification, or
  - (ii) with such modifications as, after consulting the authority, he considers appropriate,

the Secretary of State shall by order make such provision for and in connection with the implementation of the scheme in relation to those elections as he considers appropriate (which may include provision modifying or disapplying any enactment).

[<sup>F1</sup>(1A) Subsection (1) applies to proposals falling within that subsection which are submitted by a relevant local authority jointly with the Electoral Commission as if in that subsection—

- (a) the first reference to any such authority in paragraph (a), and
- (b) the reference to the authority in paragraph (b)(ii),

were each a reference to the authority and the Commission; and, in a case where any such proposals are not jointly so submitted, the Secretary of State must consult the Commission before making an order under that subsection.]

- (2) A scheme under this section is a scheme which makes, in relation to local government elections in the area of a relevant local authority, provision differing in any respect

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from that made under or by virtue of the Representation of the People Acts as regards one or more of the following, namely—

- (a) when, where and how voting at the elections is to take place;
- (b) how the votes cast at the elections are to be counted;
- (c) the sending by candidates of election communications free of charge for postage.

(3) Without prejudice to the generality of the preceding provisions of this section, a scheme under this section may make provision—

- (a) for voting to take place on more than one day (whether each of those days is designated as a day of the poll or otherwise) and at places other than polling stations,
- (b) for postal charges incurred in respect of the sending of candidates' election communications as mentioned in subsection (2)(c) to be paid by the authority concerned,

and where a scheme makes such provision as is mentioned in paragraph (b), the Secretary of State's order under subsection (1) may make provision for disapplying section 75(1) of the 1983 Act (restriction on third party election expenditure) in relation to the payment of such charges by the authority.

(4) In subsection (2) the reference to local government elections in the area of a relevant local authority is a reference to such elections—

- (a) throughout that area, or
- (b) in any particular part or parts of it,

as the scheme may provide.

(5) Where the Secretary of State makes an order under subsection (1)—

- (a) he shall send a copy of the order to the authority concerned [<sup>F2</sup>and to the Electoral Commission]; and
- (b) that authority shall publish the order in their area in such manner as they think fit.

(6) Once any elections in relation to which a scheme under this section applied have taken place, [<sup>F3</sup>the Electoral Commission] shall prepare a report on the scheme.

[<sup>F4</sup>(6A) The report shall be prepared by the Electoral Commission in consultation with the authority concerned; and that authority shall provide the Commission with such assistance as they may reasonably require in connection with the preparation of the report (which may, in particular, include the making by the authority of arrangements for ascertaining the views of voters about the operation of the scheme).]

(7) The report shall [<sup>F5</sup>, in particular,] contain—

- (a) a description of the scheme and of the respects in which the provision made by it differed from that made by or under the Representation of the People Acts;
- (b) a copy of the order of the Secretary of State under subsection (1); and
- (c) an assessment of the scheme's success or otherwise in facilitating—
  - (i) voting at the elections in question, and
  - (ii) (if it made provision as respects the counting of votes cast at those elections) the counting of votes,

or in encouraging voting at the elections in question or enabling voters to make informed decisions at those elections.

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- (8) An assessment under subsection (7)(c)(i) shall include a statement by the authority concerned as to whether, in their opinion—
- (a) the turnout of voters was higher than it would have been if the scheme had not applied;
  - (b) voters found the procedures provided for their assistance by the scheme easy to use;
  - (c) the procedures provided for by the scheme led to any increase in personation or other electoral offences or in any other malpractice in connection with elections;
  - (d) those procedures led to any increase in expenditure, or to any savings, by the authority.
- (9) If the Secretary of State so requests in writing, the report shall also contain an assessment of such other matters relating to the scheme as are specified in his request.
- [<sup>F6</sup>(10) Once the Electoral Commission have prepared the report, they shall send a copy of the report—
- (a) to the Secretary of State, and
  - (b) to the authority concerned,
- and that authority shall publish the report in their area, in such manner as they think fit, by the end of the period of three months beginning with the date of the declaration of the result of the elections in question.]
- (11) In this section “relevant local authority” means—
- (a) as respects England—
    - (i) a county council, a district council or a London borough council, or
    - (ii) once established, the Greater London Authority;
  - (b) as respects Wales, a county council or a county borough council;
- (12) For the purposes of this section proposals falling within subsection (1) and submitted to the Secretary of State before the date on which this Act is passed shall be as effective as those so submitted on or after that date.

#### Textual Amendments

- F1** S. 10(1A) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F2** Words in s. 10(5)(a) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(3)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F3** Words in s. 10(6) substituted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(4)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F4** S. 10(6A) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(5)** (with s. 156(6))
- F5** Words in s. 10(7) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(6)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)
- F6** S. 10(10) substituted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 16(7)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 2)

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

- C1** S. 10: 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**

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- S. 10 amended (1.7.2001) by 2000 c. 41, s. 9(1)(b)(i) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with **Sch. 2 Pt. II para. 1**)
- S. 10 applied (with modifications) (8.3.2002) by S.I. 2001/1298, reg. 8, **Sch. 3** (as inserted by S.I. 2002/521, **reg. 2(b)**)
- C2** S. 10 excluded (1.4.2004) by European Parliamentary and Local Elections (Pilots) Act 2004 (c. 2), s. 3
- C3** S. 10 applied (with modifications) (W.) (24.3.2004) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. 2004/870), **reg. 8**, {Sch. 3 Table 1} (which S.I. was revoked (24.7.2008) by S.I. 2008/1848, **reg. 1(4)**)
- C4** S. 10 applied (with modifications) (E.) (28.7.2007) by The Local Authorities (Conduct of Referendums) (England) Regulations 2007 (S.I. 2007/2089), **regs. 8, 11, 12, 13**, {Sch. 4 Table 3}
- C5** S. 10 applied (with modifications) (W.) (24.7.2008) by The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008 (S.I. 2008/1848), **reg. 8**, {Sch. 4 para. 1 Table 2}
- C6** S. 10 applied (with modifications) (E.) (9.2.2012) by The Local Authorities (Conduct of Referendums) (England) Regulations 2012 (S.I. 2012/323), reg. 1, **Sch. 4 para. 1** Table 3
- C7** S. 10 applied (with modifications) (E.) (18.2.2012) by The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444), reg. 1, **Sch. 4 para. 1** Table 3 (with **reg. 27**)
- C8** S. 10 applied (with modifications) (E.) (3.8.2012) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), **regs. 1, 8, 12, 13**, **Sch. 4 Pt. 1** Table 3
- C9** S. 10 applied (with modifications) by The Neighbourhood Planning (Referendums) Regulations 2012 (S.I. 2012/2031), reg. 17, Sch. 8 Table 2 (as inserted (6.4.2013) by The Neighbourhood Planning (Referendums) (Amendment) Regulations 2013 (S.I. 2013/798), **regs. 1, 7**, **Sch. 3**)
- C10** S. 10 modified by S.I. 2017/67, Sch. 2 para. 3(1A) (as inserted (coming into force in accordance with of the amending S.I.) by The Combined Authorities (Mayoral Elections) (Amendment) Order 2018 (S.I. 2018/19), **arts. 1(2), 3(2)**)
- C11** S. 10(1) amended (1.7.2001) by 2000 c. 41, s. 9(1)(a) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with **Sch. 2 Pt. II para. 1**)

## 11 Revision of procedures in the light of pilot schemes.

- (1) If it appears to the Secretary of State, in the light of any report made under section 10 on a scheme under that section, that it would be desirable for provision similar to that made by the scheme to apply generally, and on a permanent basis, in relation to—
- (a) local government elections in England and Wales, or
  - (b) any particular description of such elections,
- he may by order make such provision for and in connection with achieving that result as he considers appropriate (which may include provision modifying or disapplying any provision of an Act, including this Act). <sup>[F7]</sup>The power of the Secretary of State to make such an order shall, however, be exercisable only on a recommendation of the Electoral Commission.]
- (2) An order under subsection (1)—
- (a) may except from the operation of any of its provisions any local government area specified in the order; but
  - (b) subject to that, must make the same provision—
    - (i) in relation to local government elections, or
    - (ii) if it applies only to a particular description of such elections, in relation to elections of that description, throughout England and Wales.

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- (3) An order under subsection (1) shall be made by statutory instrument; and no such order shall be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) When laying such a draft before either House of Parliament the Secretary of State shall also lay before that House a copy of [<sup>F8</sup>every report under section 10 which relates to a scheme making provision similar to that made by the order.]
- (5) An order which excepts any local government area as mentioned in subsection (2) shall, if apart from this subsection it would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, proceed in that House as if it were not such an instrument.
- (6) Rules made under section 36 of the 1983 Act (local elections in England <sup>F9</sup>...) may make such provision as the Secretary of State considers appropriate in connection with any provision made [<sup>F10</sup>in relation to local government elections in England] by an order under subsection (1).
- [<sup>F11</sup>(6A) Rules made under section 36A of the 1983 Act (local elections rules in Wales) may make such provision as the Welsh Ministers consider appropriate in connection with any provision made by an order under subsection (1) in relation to local government elections in Wales.]
- (7) Nothing in this section shall be taken as prejudicing the generality of any power contained in any other Act to make subordinate legislation (within the meaning of the <sup>M1</sup>Interpretation Act 1978) with respect to elections of any description.

#### Textual Amendments

- F7** Words in s. 11(1) inserted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 17(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 1)
- F8** Words in s. 11(4) substituted (1.7.2001) by 2000 c. 41, s. 158, **Sch. 21 para. 17(2)** (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 1)
- F9** Words in s. 11(6) omitted (W.) (20.3.2021) by virtue of Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(3)(f), **Sch. 2 para. 8(2)(a)(i)**
- F10** Words in s. 11(6) inserted (W.) (20.3.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(3)(f), **Sch. 2 para. 8(2)(a)(ii)**
- F11** S. 11(6A) inserted (W.) (20.3.2021) by Local Government and Elections (Wales) Act 2021 (asc 1), s. 175(3)(f), **Sch. 2 para. 8(2)(b)**

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

- C12** S. 11 amended (1.7.2001) by 2000 c. 41, s. 9(1)(b)(ii) (with s. 156(6)); S.I. 2001/222, art. 4, **Sch. 2** (with Sch. 2 Pt. II para. 1)
- C13** S. 11 applied (with modifications) (1.4.2004) by European Parliamentary and Local Elections (Pilots) Act 2004 (c. 2), s. 5
- C14** S. 11 modified by S.I. 2017/67, Sch. 2 para. 3(1B) (as inserted (coming into force in accordance with the amending S.I.) by The Combined Authorities (Mayoral Elections) (Amendment) Order 2018 (S.I. 2018/19), arts. 1(2), 3(2))

#### Marginal Citations

- M1** 1978 c. 30.

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