

SCHEDULES

SCHEDULE 6

Section 15.

MINOR AND CONSEQUENTIAL AMENDMENTS

City of London (Various Powers) Act 1957 (c. x)

- 1 (1) Section 8 of the City of London (Various Powers) Act 1957 (manner of voting at ward elections) is amended as follows.
- (2) In subsection (1) (application of provisions of 1983 Act), after the entry relating to section 3 of the 1983 Act insert—
- “section 3A (disfranchisement of offenders detained in mental hospitals);”.
- (3) In subsection (2) (application of provisions about absent voting), for “sections 5 to 9 and 12(3) and (4) of the Representation of the People Act 1985” substitute “Schedule 4 to the Representation of the People Act 2000”.
- (4) In subsections (4) and (5) (supplementary provisions), for “1985” (wherever occurring) substitute “2000”.

European Parliamentary Elections Act 1978 (c. 10)

- 2 (1) Paragraph 4 of Schedule 2 to the European Parliamentary Elections Act 1978 (electoral regions in England) is amended as follows.
- (2) In sub-paragraph (1) (Secretary of State to consider after 16th February in each pre-election year whether ratio of registered electors to MEPs is the same in each region), for “16th February” substitute “1st May”.
- (3) In sub-paragraph (3) (numbers of registered electors to be considered by Secretary of State as at 16th February), for “16th February” substitute “1st May”.
- (4) After sub-paragraph (5) insert—
- “(5A) Each registration officer shall notify the Secretary of State, by 28th May in each pre-election year, of the number of persons whose names appear, on 1st May in that year, in any relevant register maintained by the registration officer (other than persons falling within paragraphs (a) and (b) of sub-paragraph (4)).”

The 1983 Act

- 3 The 1983 Act is amended as follows.
- 4 In section 29(4C) (orders governing charges by returning officers), at the end add “; and any such order may make different provision for different cases, circumstances or areas and may contain such incidental, supplemental, saving or transitional provisions as the Secretary of State thinks fit.”

5 After section 65 insert—

“65A False statements in nomination papers etc

- (1) A person is guilty of a corrupt practice if, in the case of any relevant election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—
- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
 - (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows—
 - (i) was not written by the elector by whom it purports to have been written, or
 - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate’s nomination.
- (2) In this section “relevant election” means—
- (a) any parliamentary election, or
 - (b) any local government election in England or Wales.”

6 After section 66 insert—

“66A Prohibition on publication of exit polls

- (1) No person shall, in the case of an election to which this section applies, publish before the poll is closed—
- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
 - (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.
- (2) This section applies to—
- (a) any parliamentary election; and
 - (b) any local government election in England or Wales.
- (3) If a person acts in contravention of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.
- (4) In this section—
- “forecast” includes estimate;
 - “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;
 - and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.”

7 In section 95(7) (schools for parliamentary election meetings not to include private dwelling house), omit “house”.

- 8 In section 108(4) (premises not to be used as committee rooms), omit “house”.
- 9 In section 202(1) (general interpretation)—
- (a) in the definition of “the absent voters list”, after “kept under” insert “paragraph 5 of Schedule 4 to the Representation of the People Act 2000 or, as respects Northern Ireland, under”; and
 - (b) in the definition of “the list of proxies”, after “given by” insert “paragraph 5(3) of Schedule 4 to the Representation of the People Act 2000 or, as respects Northern Ireland, by”.
- 10 (1) Schedule 1 (parliamentary elections rules) is amended as follows.
- (2) In rule 5(2) (notice of election to state date by which applications for postal votes etc. are to be made), after “by which” insert “(except in such circumstances as may be prescribed)”.
 - (3) For rule 24 substitute—

“24 The returning officer shall, in accordance with regulations, issue to those entitled to vote by post a ballot paper and a declaration of identity in the prescribed form, together with such envelopes for their return (whether free of charge or otherwise) as may be prescribed.”
 - (4) In rule 45 (the count)—
 - (a) after paragraph (1A) insert—

“(1B) A postal ballot paper shall not, in England, Wales or Scotland, be taken to be duly returned unless—

 - (a) it is returned in the prescribed manner and reaches the returning officer or a polling station in the constituency before the close of the poll, and
 - (b) the declaration of identity, duly signed and authenticated, is also returned in the prescribed manner and reaches him or such a polling station before that time.”; and
 - (b) in paragraph (2), after “shall not” insert “, in Northern Ireland,”.
- 11 (1) Schedule 2 (provisions which may be contained in regulations as to registration) is amended as follows.
- (2) In paragraph 5A (applications for postal voting etc.)—
 - (a) in sub-paragraph (1), after “applications under” insert “paragraph 3 or 4 of Schedule 4 to the Representation of the People Act 2000 or”;
 - (b) in sub-paragraph (2), after “applying under” insert “paragraph 4 of Schedule 4 to the Representation of the People Act 2000 or”;
 - (c) in sub-paragraph (4), after “kept under” insert “paragraph 3(4) of Schedule 4 to the Representation of the People Act 2000 or”.
 - (3) In paragraph 12 (voting by post), for the words from “the proceedings” to “and provisions” substitute “the arrangements to be made in relation to the issue and receipt of, and for subsequently dealing with, ballot papers for postal voting, including provisions—
 - (a) authorising replacement ballot papers to be issued in any prescribed circumstances;
 - (b) as to the proceedings in connection with the issue and receipt of ballot papers and, in particular—

Status: This is the original version (as it was originally enacted).

- (i) the persons who are to be entitled, or may be allowed, to attend, and
- (ii) the rights and obligations of persons attending;
- (c)".

(4) In paragraph 13(1) (offences)—

- (a) for the words from “imposing” to “convicted—” substitute “making it an offence (punishable on summary conviction by a fine not exceeding level 3 on the standard scale) for a person—”; and
- (b) for “of having” (in both places) substitute “to have”.

Representation of the People Act 1985 (c. 50)

12 The Representation of the People Act 1985 is amended as follows (but paragraphs 13 to 17 have effect in relation to Northern Ireland only).

13 (1) Section 5 (manner of voting) is amended as follows.

- (2) In subsection (1), omit “or local government”.
- (3) In subsection (5), omit “or, as the case may be, electoral area”.
- (4) After subsection (5) insert—

“(5A) Nothing in the preceding provisions of this section applies to—

- (a) a person to whom section 7 of the principal Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or
- (b) a person to whom section 7A of that Act (persons remanded in custody) applies,

whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).”

- (5) In subsection (6), omit “or local government” (wherever occurring).
- (6) For subsection (7) substitute—

“(7) In this section and sections 6 to 9 of this Act “appropriate rules” means the parliamentary elections rules.”

14 (1) Section 6 (absent vote at elections for an indefinite period) is amended as follows.

(2) In subsection (1)—

- (a) omit “, at local government elections or at both”; and
- (b) in paragraph (a), for “elections to which the application relates” substitute “parliamentary elections”.

(3) In subsection (2), omit—

- (a) “or local government”, and
- (b) paragraph (aa),

and, in paragraph (c), after “his spouse,” insert “or by reason of his attendance on a course provided by an educational institution or that of his spouse,”.

(4) Omit subsection (2A).

- (5) In subsection (3), omit paragraph (a).
- (6) In subsection (4), after “in pursuance of” insert “a declaration of local connection or”.
- 15 (1) Section 7 (absent vote at a particular election and absent voters list) is amended as follows.
- (2) In subsection (1), omit—
- (a) “or local government”; and
 - (b) in paragraph (b), “or, as the case may be, local government”.
- (3) For subsection (2) substitute—
- “(2) Subsection (1) above does not apply to a person who is included in the record kept under section 6 of this Act, but such a person may, in respect of a particular parliamentary election, apply to the registration officer—
- (a) for his ballot paper to be sent to a different address in the United Kingdom, or
 - (b) to vote by proxy,
- if he is shown in the record so kept as voting by post at parliamentary elections.”
- (4) In subsection (4)—
- (a) omit “or local government”; and
 - (b) in each of paragraphs (a) and (b), for “elections of the kind in question” substitute “parliamentary elections”.
- 16 (1) Section 8 (proxies at elections) is amended as follows.
- (2) In subsection (1), omit “or local government”.
- (3) Omit subsection (3A).
- (4) In subsection (4), omit “or local government”.
- (5) In subsection (5), omit “, or at the same local government election in any electoral area”.
- (6) In subsection (6)—
- (a) omit “, at local government elections or at both”; and
 - (b) in paragraph (a), for “electors for elections in respect of which the application is made” substitute “parliamentary electors”.
- (7) In subsection (7), omit—
- (a) “or local government”; and
 - (b) in paragraph (a) “or, as the case may be, local government”.
- (8) For subsection (9) substitute—
- “(9) The appointment may be cancelled by the elector by giving notice to the registration officer, and shall also cease to be in force on the issue of a proxy paper appointing a different person to vote for him at any parliamentary election or elections (whether in the same constituency or elsewhere).”
- 17 (1) Section 9 (voting as proxy) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In each of subsections (1) and (3), omit “or local government”.
 - (3) In subsection (4), omit—
 - (a) “, at local government elections or at both”; and
 - (b) in paragraph (a), “, or electoral area,”;
 and in paragraph (b) for “the same area” substitute “the same ward”.
 - (4) Omit subsection (5).
 - (5) In subsection (6), omit paragraph (a) (including the final “and”).
 - (6) In subsection (7), omit “or, as the case may be, electoral area”.
 - (7) In subsection (8), omit “in respect of elections of the kind in question”.
 - (8) In subsection (9), omit—
 - (a) “or local government”; and
 - (b) in paragraph (a), “in respect of elections of the kind in question”.
 - (9) In subsection (10)—
 - (a) in paragraph (a), omit “, local government electors or both (as the case may be)”; and
 - (b) in paragraph (b), for “elections of the kind in question” substitute “parliamentary elections”.
 - (10) In subsection (11), in paragraph (b), omit “, or electoral area,”.
- 18 In section 27(2) (application of provisions of 1983 Act)—
- (a) for “sections 5, 6 and 7(1)” substitute “sections 5 to 7A”; and
 - (b) for “sections 1 and 2” substitute “section 4”.

Finance Act 1996 (c. 8)

- 19 In section 200 of the Finance Act 1996 (domicile for tax purposes of overseas electors), in subsection (3)(a), for the words from “mentioned in” to “section 1” substitute “of parliamentary electors in pursuance of such a declaration as is mentioned in section 1(1)(a)”.