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Changes to legislation: Political Parties, Elections and Referendums Act 2000, Cross Heading: Commission's general functions is up to date with all changes known to be in force on or before 14 April 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)



Political Parties, Elections and Referendums Act 2000

2000 CHAPTER 41

PART I

THE ELECTORAL COMMISSION

Commission's general functions

5 Reports on elections and referendums.

- (1) The Commission shall, after—
 - (a) each election to which this section applies, and
 - (b) each referendum to which Part VII applies,prepare and publish (in such manner as the Commission may determine) a report on the administration of the election or referendum.
- (2) The elections to which this section applies are the following, namely—
 - (a) a parliamentary general election;
 - (b) a European Parliamentary general election;
 - (c) a Scottish Parliamentary general election;
 - (d) a National Assembly for Wales ordinary election;
 - (e) a Northern Ireland Assembly general election.
- (3) After a poll held under section 36 of the ^{M1}Government of Wales Act 1998 the Commission shall, if requested to do so by the National Assembly for Wales, at the Assembly's expense prepare and publish (in such manner as the Commission may determine) a report on the administration of the poll.

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Modifications etc. (not altering text)

- C1** S. 5 applied (with modifications) (23.7.2004) by [The Regional Assembly and Local Government Referendums Order 2004 \(S.I. 2004/1962\)](#), art. 7(1), **Sch. 3 Pt. 1**

Commencement Information

- II** S. 5 wholly in force at 16.2.2001; s. 5 not in force at Royal Assent, see s. 163(2); s. 5 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, **Sch. 1 Pt. I** (subject to transitional provisions in [Sch. 1 Pt. II](#))

Marginal Citations

- M1** 1998 c. 38.

6 Reviews of electoral and political matters.

- (1) The Commission shall keep under review, and from time to time submit reports to the Secretary of State on, the following matters, namely—
- (a) such matters relating to elections to which this section applies as the Commission may determine from time to time;
 - (b) such matters relating to referendums to which this section applies as the Commission may so determine;
 - (c) the redistribution of seats at parliamentary elections;
 - (d) if any functions are transferred by an order under section 18(1), 19(1) or 20(1), the matters in relation to which those functions are exercisable;
 - (e) the registration of political parties and the regulation of their income and expenditure;
 - (f) political advertising in the broadcast and other electronic media;
 - (g) the law relating to the matters mentioned in each of paragraphs (a) to (f).
- (2) At the request of the Secretary of State, and within such time as the Secretary of State may specify, the Commission shall—
- (a) review, and
 - (b) submit a report to the Secretary of State on,
- such matter or matters (whether or not falling within subsection (1)) as the Secretary of State may specify.
- (3) The Commission shall not, however, carry out any review (or make any report) under this section with respect to any of the following matters, namely—
- (a) the funding of political parties under section 97 of the ^{M2}Scotland Act 1998 or for the purpose of assisting members of the Northern Ireland Assembly connected with such parties to perform their Assembly duties;
 - (b) the conduct of referendums held in pursuance of any provision made by or under an Act of the Scottish Parliament or the Northern Ireland Assembly or the conduct of any poll under section 36 of the ^{M3}Government of Wales Act 1998;
 - (c) the law relating to the matters mentioned in each of paragraphs (a) and (b).
- (4) Where any review carried out under this section relates to elections or referendums in Northern Ireland, the Commission shall consult the Chief Electoral Officer for Northern Ireland with respect to such elections or referendums.

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- (5) Each report made by the Commission under this section shall be published by them in such manner as they may determine.
- (6) The elections and referendums to which this section applies are—
 - (a) in the case of elections—
 - (i) the elections mentioned in section 5(2),
 - (ii) local government elections in England or Wales, and
 - (iii) local elections in Northern Ireland; and
 - (b) in the case of referendums, referendums to which Part VII applies and those under Part II of the ^{M4}Local Government Act 2000.

Commencement Information

I2 S. 6 partly in force; s. 6 not in force at Royal Assent, see s. 163(2); s. 6(1)(a)(b)(e)-(g)(2)-(6) in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#)); s. 6(1)(d) in force at 30.10.2001 by [S.I. 2001/3526](#), [art. 2\(a\)](#)

Marginal Citations

M2 1998 c. 46.
M3 1998 c. 38.
M4 2000 c. 22.

VALID FROM 31/01/2007

[^{F1}6A Attendance of representatives of Commission at elections etc.

- (1) A representative of the Commission may attend—
 - (a) proceedings relating to an election specified in subsection (5) which are the responsibility of the returning officer for the election;
 - (b) proceedings relating to a referendum to which Part 7 applies which are the responsibility of the relevant counting officer.
- (2) The right conferred on a representative of the Commission by this section is subject to any enactment which regulates attendance at the proceedings in question.
- (3) In this section, “representative of the Commission” means any of the following—
 - (a) a member of the Commission;
 - (b) a member of staff of the Commission;
 - (c) a person appointed by the Commission for the purposes of this section.
- (4) A reference to the relevant counting officer must be construed—
 - (a) if the area to which the proceedings relates is in Great Britain, in accordance with section 128(3);
 - (b) if the area to which the proceedings relates is Northern Ireland, as a reference to the Chief Electoral Officer for Northern Ireland.
- (5) The elections specified in this subsection are—
 - (a) an election mentioned in section 5(2);
 - (b) a parliamentary by-election;

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- (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
- (d) an election under section 8 of the Government of Wales Act 1998 (vacancies in constituency seats);
- (e) a local government election in England or Wales;
- (f) a local election in Northern Ireland.]

Textual Amendments

F1 Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; S.I. 2006/3412, **art. 5** (with **art. 6, Sch. 2**); S.I. 2008/1316, **arts. 2(2), 4(k)**

VALID FROM 31/01/2007

[^{F1}6B Observation of working practices by representatives of Commission

- (1) A representative of the Commission may observe the working practices of any of the following—
 - (a) an electoral registration officer;
 - (b) a returning officer;
 - (c) a relevant counting officer;
 - (d) any person acting under the direction of a person mentioned in paragraphs (a) to (c).
- (2) In this section—
 - (a) “relevant counting officer”, and
 - (b) “representative of the Commission”,
 must be construed in accordance with section 6A.
- (3) This section does not permit the observation of working practices which relate only to a local government election in Scotland.

Textual Amendments

F1 Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; S.I. 2006/3412, **art. 5** (with **art. 6, Sch. 2**); S.I. 2008/1316, **arts. 2(2), 4(k)**

Modifications etc. (not altering text)

- C2** S. 6B applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 1(2)(3), 8, 11, 13**, {Sch. 4 Table 4}
- C3** S. 6B applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **regs. 1(2), 8**, {Sch. 4 Table 3}

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VALID FROM 31/01/2007

6C Accredited observers: individuals

- (1) A person who is aged 16 or over may apply to the Commission to be an accredited observer at any of the following proceedings relating to an election specified in subsection (5) of section 6A or a referendum to which Part 7 applies—
 - (a) proceedings at the issue or receipt of postal ballot papers;
 - (b) proceedings at the poll;
 - (c) proceedings at the counting of votes.
- (2) If the Commission grant the application, the accredited observer may attend the proceedings in question.
- (3) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F.
- (4) The Commission may at any time revoke the grant of an application under subsection (1).
- (5) If the Commission—
 - (a) refuse an application under subsection (1), or
 - (b) revoke the grant of any such application,they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (6) The right conferred on an accredited observer by this section is subject to any enactment which regulates attendance at the proceedings in question.

Textual Amendments

- F1** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; [S.I. 2006/3412](#), **art. 5** (with art. 6, Sch. 2); [S.I. 2008/1316](#), **arts. 2(2), 4(k)**

Modifications etc. (not altering text)

- C4** S. 6C applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 1(2)(3), 8, 11, 13**, {Sch. 4 Table 4}
- C5** S. 6C applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **regs. 1(2), 8**, {Sch. 4 Table 3}

VALID FROM 31/01/2007

6D Accredited observers: organisations

- (1) An organisation may apply to the Commission to be accredited for the purpose of nominating observers at any of the following proceedings relating to an election specified in subsection (5) of section 6A or a referendum to which Part 7 applies—
 - (a) proceedings at the issue or receipt of postal ballot papers;
 - (b) proceedings at the poll;

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- (c) proceedings at the counting of votes.
- (2) If the Commission grant the application the organisation may nominate members who may attend the proceedings in question.
- (3) The Commission, in granting an application under this section, may specify a limit on the number of observers nominated by the organisation who may attend, at the same time, specified proceedings by virtue of this section.
- (4) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F.
- (5) The Commission may at any time revoke the grant of an application under subsection (1).
- (6) If the Commission—
- (a) refuse an application under subsection (1), or
 - (b) revoke the grant of any such application,
- they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.
- (7) The right conferred by this section is subject to any enactment which regulates attendance at the proceedings in question.

Textual Amendments

- F1** Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; [S.I. 2006/3412](#), **art. 5** (with art. 6, Sch. 2); [S.I. 2008/1316](#), **arts. 2(2), 4(k)**

Modifications etc. (not altering text)

- C6** S. 6D applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 1(2)(3), 8, 11, 13**, {Sch. 4 Table 4}
- C7** S. 6D applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **regs. 1(2), 8**, {Sch. 4 Table 3}

VALID FROM 31/01/2007

6E Attendance and conduct of observers

- (1) A relevant officer may limit the number of persons who may be present at any proceedings at the same time in pursuance of section 6C or 6D.
- (2) If a person who is entitled to attend any proceedings by virtue of section 6C or 6D misconducts himself while attending the proceedings, the relevant officer may cancel the person's entitlement.
- (3) Subsection (2) does not affect any power a relevant officer has by virtue of any enactment or rule of law to remove a person from any place.
- (4) A relevant officer is—
- (a) in the case of proceedings at a polling station, the presiding officer;
 - (b) in the case of any other proceedings at an election, the returning officer;

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- (c) in the case of any other proceedings at a referendum, the relevant counting officer (within the meaning of section 6A);
- (d) such other person as a person mentioned in paragraph (a), (b) or (c) authorises for the purposes of the proceedings mentioned in that paragraph.

Textual Amendments

F1 Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; [S.I. 2006/3412](#), **art. 5** (with **art. 6, Sch. 2**); [S.I. 2008/1316](#), **arts. 2(2), 4(k)**

Modifications etc. (not altering text)

- C8** S. 6E applied (with modifications) (E.) (27.7.2007) by [The Local Authorities \(Conduct of Referendums\) \(England\) Regulations 2007](#) (S.I. 2007/2089), **regs. 1(2)(3), 8, 11, 13**, {Sch. 4 Table 4}
- C9** S. 6E applied (with modifications) (W.) (23.7.2008) by [The Local Authorities \(Conduct of Referendums\) \(Wales\) Regulations 2008](#) (S.I. 2008/1848), **regs. 1(2), 8**, {Sch. 4 Table 3}

VALID FROM 31/01/2007

6F Code of practice on attendance of observers at elections etc.

- (1) The Commission must prepare a code of practice on the attendance of—
 - (a) representatives of the Commission,
 - (b) accredited observers, and
 - (c) nominated members of accredited organisations,at elections specified in subsection (5) of section 6A and referendums to which Part 7 applies.
- (2) The code must in particular—
 - (a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;
 - (b) specify the criteria to be taken into account by the Commission in determining such applications;
 - (c) give guidance to relevant officers (within the meaning of section 6E) as to the exercise of the power conferred by subsection (1) of that section;
 - (d) give guidance to such officers as to the exercise of the power mentioned in subsection (2) of that section as it relates to a person having the permission mentioned in subsection (1) of that section;
 - (e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any proceedings relating to an election or referendum as it relates to a person having such permission;
 - (f) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A, 6B, 6C and 6D.
- (3) The code may make different provision for different purposes.
- (4) Before preparing the code, the Commission must consult the Secretary of State.

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- (5) The Commission must lay the code before each House of Parliament.
- (6) The Commission must publish the code (in such manner as the Commission may determine).
- (7) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C, 6D or 6E—
 - (a) the Commission;
 - (b) representatives of the Commission;
 - (c) relevant officers (within the meaning of section 6E);
 - (d) relevant counting officers.
- (8) The Commission may at any time revise the code.
- (9) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.
- (10) In this section—
 - (a) “accredited observer” must be construed in accordance with section 6C;
 - (b) “accredited organisation” must be construed in accordance with section 6D, and “nominated member” must be construed accordingly;
 - (c) “relevant counting officer” must be construed in accordance with section 6A;
 - (d) “representative of the Commission” has the same meaning as in section 6A.]

Textual Amendments

F1 Ss. 6A-6F inserted (31.1.2007 for E.W.S. and 1.7.2008 for N.I.) by [Electoral Administration Act 2006](#) (c. 22), **ss. 29, 77(2)**; [S.I. 2006/3412](#), **art. 5** (with **art. 6, Sch. 2**); [S.I. 2008/1316](#), **arts. 2(2), 4(k)**

7 Commission to be consulted on changes to electoral law.

- (1) Before making an instrument to which this section applies, the authority making the instrument shall consult the Commission.
- (2) This section applies to an instrument containing—
 - (a) regulations under [^{F2}the European Parliamentary Elections Act 2002];
 - (b) an order under [^{F3}section 6(2)(b) or (3)(b) of that Act] (designations of regional returning officers);
 - (c) an order under section 24(1)(c), (cc) or (e), 25(1)(b), 28(1)(b) or 35(2B) of the Representation of the ^{M5}People Act 1983 (designations of returning officers and acting returning officers);
 - (d) rules under section 36 of that Act (local government elections in England and Wales);
 - (e) regulations under that Act (“the 1983 Act”), or under the Representation of the ^{M6}People Act 1985, in relation to which section 201(2) of the 1983 Act (regulations which may not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament) has effect;
 - (f) an order under section 11 or 36(4) or (5) of the ^{M7}Government of Wales Act 1998 (conduct of elections to the National Assembly for Wales and of polls held by the Assembly);

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- (g) an order under section 12(1) or (6) of the ^{M8}Scotland Act 1998 (conduct of elections to the Scottish Parliament);
 - (h) an order under section 34(4) of the ^{M9}Northern Ireland Act 1998 (conduct of elections to the Northern Ireland Assembly);
 - (i) an order under section 17A(3) of the ^{M10}Greater London Authority Act 1999 (free delivery of election addresses at elections to the Greater London Authority).
- (3) No draft Order shall be laid before Parliament under section 84(4) of the ^{M11}Northern Ireland Act 1998 (power to make provision with respect to elections in Northern Ireland) except after consultation with the Commission.

Textual Amendments

- F2** Words in s. 7(2)(a) substituted (24.10.2002) by 2002 c. 24, ss. 15, 18(2), **Sch. 3 para. 8(2)(a)**
- F3** Words in s. 7(2)(b) substituted (24.10.2002) by 2002 c. 24, ss. 15, 18(2), **Sch. 3 para. 8(2)(b)**

Commencement Information

- I3** S. 7 wholly in force at 16.2.2001; s. 7 not in force at Royal Assent, see s. 163(2); s. 7 in force at 16.2.2001 by **S.I. 2001/222, art. 2, Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

Marginal Citations

- M5** 1983 c. 2.
M6 1985 c. 50.
M7 1998 c. 38.
M8 1998 c. 46.
M9 1998 c. 47.
M10 1999 c. 29.
M11 1998 c. 47.

8 Powers with respect to elections exercisable only on Commission recommendation.

- (1) The function of giving directions under section 52(1) of the Representation of the ^{M12}People Act 1983 (directions as to discharge of registration duties) shall be exercisable only on, and in accordance with, a recommendation of the Commission.
- (2) A function to which this subsection applies shall, unless the Secretary of State considers that the exercise of the function is expedient in consequence of changes in the value of money, be exercisable only on, and in accordance with, a recommendation of the Commission.
- (3) Subsection (2) applies to the following functions, namely—
 - (a) the making of orders under section 76(2A) of that Act (limitation of expenses in connection with elections to the Greater London Authority);
 - (b) the making of orders under section 11 of the ^{M13}Government of Wales Act 1998 or section 12 of the ^{M14}Scotland Act 1998 so far as relating to the matters mentioned in subsection (2)(c) of the section (limitation of expenses in connection with elections to the National Assembly for Wales or Scottish Parliament);

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- (c) the making of regulations under [F4section 7(2)(a) of the European Parliamentary Elections Act 2002](limitation of expenses in connection with elections to the European Parliament).

Textual Amendments

F4 Words in s. 8(3)(c) substituted (24.10.2002) by 2002 c. 24, ss. 15, 18(2), **Sch. 3 para. 8(3)**

Commencement Information

I4 S. 8 wholly in force at 16.2.2001; s. 8 not in force at Royal Assent, see s. 163(2); s. 8 in force at 16.2.2001 by **S.I. 2001/222, art. 2, Sch. 1 Pt. I** (subject to transitional provisions in **Sch. 1 Pt. II**)

Marginal Citations

M12 1983 c. 2.

M13 1998 c. 38.

M14 1998 c. 46.

9 Involvement of Commission in changes in electoral procedures.

- (1) The Commission—
- (a) may participate with any relevant local authority in the joint submission of proposals falling within section 10(1) of the Representation of the People Act 2000 (pilot schemes); and
 - (b) shall have such other functions in relation to—
 - (i) orders and schemes under section 10 of that Act, and
 - (ii) orders under section 11 of that Act (revision of procedures in the light of pilot schemes),
 as are conferred on the Commission by those sections.
- (2) Where any scheme under section 10 of that Act falls to be implemented following the approval by the Secretary of State of proposals jointly submitted by the Commission and a relevant local authority as mentioned in subsection (1)(a) above, the Commission may, in connection with the implementation of the scheme, provide that authority with such assistance (except financial assistance) as the Commission think fit.
- (3) In this section “relevant local authority” has the same meaning as in section 10 of that Act.

Commencement Information

I5 S. 9 wholly in force at 1.7.2001; s. 9 not in force at Royal Assent, s. 163(2); s. 9 in force at 1.7.2001 by **S.I. 2001/222, art. 4, Sch. 2 Pt. I** (with **Sch. 2 Pt. II para. 1**)

VALID FROM 11/09/2006

[F59A Setting of performance standards

- (1) The Commission may from time to time—
- (a) determine standards of performance for relevant officers, and

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- (b) publish, in such form and in such manner as they consider appropriate, the standards so determined.
- (2) The standards of performance are such standards as the Commission think ought to be achieved by—
 - (a) electoral registration officers in the performance of their functions;
 - (b) returning officers in the administration of the elections specified in subsection (6);
 - (c) counting officers in the administration of the referendums specified in subsection (7).
- (3) Before determining standards under subsection (1), the Commission must consult—
 - (a) the Secretary of State, and
 - (b) any other person they think appropriate.
- (4) The Commission may determine different standards for different descriptions of relevant officers.
- (5) When the Commission publish standards under subsection (1) they must send a copy of the published standards to the Secretary of State who must lay a copy of the published standards before each House of Parliament.
- (6) The elections specified in this subsection are—
 - (a) an election mentioned in section 5(2);
 - (b) a parliamentary by-election;
 - (c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);
 - (d) an election under section 8 of the Government of Wales Act 1998 (vacancies in constituency seats);
 - (e) a local government election in England or Wales.
- (7) The referendums specified in this subsection are—
 - (a) a referendum to which Part 7 applies;
 - (b) a referendum under Part 2 of the Local Government Act 2000.
- (8) For the purposes of this section and sections 9B and 9C, the relevant officers are—
 - (a) electoral registration officers;
 - (b) in relation to elections within subsection (6), returning officers;
 - (c) in relation to referendums within subsection (7), counting officers.]

Textual Amendments

- F5** Ss. 9A-9C inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 67, 77(2)**; [S.I. 2006/1972](#), **art. 3**, [Sch. 1 para. 23](#) (subject to [art. 4](#), [Sch. 2](#))

Status: Point in time view as at 24/10/2002. This version of this cross heading contains provisions that are not valid for this point in time.

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VALID FROM 11/09/2006

[^{F5}9B Returns and reports on performance standards

- (1) The Commission may from time to time issue directions to relevant officers to provide the Commission with such reports regarding their level of performance against the standards determined under section 9A(1) as may be specified in the direction.
- (2) A direction under subsection (1)—
 - (a) must specify the relevant officer or officers to whom it is issued (and may specify a description or descriptions of relevant officers),
 - (b) may require the report or reports to relate to such elections or referendums (or both) as may be specified in the direction, and
 - (c) may require the report or reports to be provided in a form specified in the direction.
- (3) A report provided to the Commission in pursuance of subsection (1) may be published by the relevant officer to whom it relates.
- (4) The Commission shall from time to time prepare and publish (in such manner as the Commission may determine) assessments of the level of performance by relevant officers against the standards determined under section 9A(1).
- (5) An assessment under subsection (4)—
 - (a) must specify the relevant officer or officers to whom it relates;
 - (b) must specify the period to which it relates;
 - (c) may specify the elections or referendums (or both) to which it relates.
- (6) The Commission must not prepare an assessment under subsection (4) unless they have received reports in pursuance of subsection (1) from the relevant officer or officers for the matters to which the assessment relates.
- (7) Before publishing an assessment under subsection (4), the Commission shall—
 - (a) provide to each relevant officer a copy of those parts of the assessment which relate to him;
 - (b) have regard to any comments made by him regarding the factual accuracy of the assessment.

Textual Amendments

- F5** Ss. 9A-9C inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 67, 77(2)**; S.I. 2006/1972, **art. 3**, Sch. 1 para. 23 (subject to art. 4, Sch. 2)

VALID FROM 11/09/2006

9C Provision of information about expenditure on elections etc.

- (1) The Commission may by notice in writing direct a relevant officer to provide the Commission with such expenditure information as may be specified in the direction.

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- (2) Expenditure information is information relating to—
 - (a) in the case of an electoral registration officer, expenditure in connection with the performance of his functions;
 - (b) in the case of a returning officer, expenditure in connection with the election or elections specified in section 9A(6) for which he is appointed or otherwise holds office;
 - (c) in the case of a counting officer, expenditure in connection with the referendum or referendums specified in section 9A(7) for which he is appointed.
- (3) A direction under subsection (1)—
 - (a) may require the information to relate to such elections or (as the case may be) referendums as may be specified in the direction;
 - (b) may require the information to be provided in a form specified in the direction;
 - (c) may specify the time within which the information must be provided.
- (4) This section does not affect any other power of the Commission to request information.]

Textual Amendments

- F5** Ss. 9A-9C inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), **ss. 67, 77(2)**; S.I. 2006/1972, **art. 3**, Sch. 1 para. 23 (subject to **art. 4**, Sch. 2)

10 Giving of advice and assistance.

- (1) The Commission may, at the request of any relevant body, provide the body with advice and assistance as respects any matter in which the Commission have skill and experience.
- (2) The assistance which may be so provided includes (in particular) the secondment of members of the Commission's staff.
- (3) The Commission may also—
 - (a) provide advice and assistance to—
 - (i) registration officers,
 - (ii) returning officers at relevant elections,
 - (iii) registered parties,
 - (iv) recognised third parties within the meaning of Part VI, and
 - (v) permitted participants within the meaning of Part VII;
 - (b) provide advice and assistance to other persons which is incidental to, or otherwise connected with, the discharge by the Commission of their functions.
- (4) The Commission—
 - (a) may make charges for advice or assistance provided by them under subsection (1); but
 - (b) may not make charges for advice and assistance provided under subsection (3).

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- (5) Nothing in this section authorises the Commission to provide any form of financial assistance.
- (6) In this section “relevant body” means—
- (a) the Scottish Parliament;
 - (b) the Scottish Executive;
 - (c) the National Assembly for Wales;
 - (d) the Northern Ireland Assembly;
 - (e) the Executive Committee of the Northern Ireland Assembly;
 - (f) any of the following local authorities—
 - (i) in England, the council of a county, district or London borough,
 - (ii) in Wales, the council of a county or county borough, and
 - (iii) in Scotland, a council constituted under section 2 of the ^{M15}Local Government etc. (Scotland) Act 1994;
 - (g) a national or regional parliament or government in a country other than the United Kingdom;
 - (h) a body in any such other country having functions corresponding to any of the functions of the Commission;
 - (i) an organisation of which two or more countries (or their governments) are members or a subordinate body of such an organisation.
- (7) In this section “relevant election” means any election falling within section 22(5) other than a local government election in Scotland.
- (8) The Scottish Ministers may by order provide that subsection (7) shall have effect as if the words “other than a local government election in Scotland” were omitted.
- (9) Section 156(5) shall apply to an order made by the Scottish Ministers under subsection (8) as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (10) The power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

Commencement Information

I6 S. 10 wholly in force at 16.2.2001; s. 10 not in force at Royal Assent, see s. 163(2); s. 10 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Marginal Citations

M15 1994 c. 39.

11 Broadcasters to have regard to Commission’s views on party political broadcasts.

- (1) In section 36 of the ^{M16}Broadcasting Act 1990 (independent television services: party political broadcasts), after subsection (4) there shall be inserted—

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“(5) Before making any rules for the purposes of this section the Commission shall have regard to any views expressed by the Electoral Commission.”

(2) In section 107 of that Act (independent sound broadcasting services: party political broadcasts), after subsection (3) there shall be inserted—

“(4) Before making any rules for the purposes of this section the Authority shall have regard to any views expressed by the Electoral Commission.”

(3) The British Broadcasting Corporation and Sianel Pedwar Cymru shall each, in determining its policy with respect to party political broadcasts, have regard to any views expressed by the Electoral Commission for the purposes of this subsection.

Commencement Information

I7 S. 11 wholly in force at 16.2.2001; s. 11 not in force at Royal Assent, see s. 163(2); s. 11 in force at 16.2.2001 by [S.I. 2001/222](#), [art. 2](#), [Sch. 1 Pt. I](#) (with [Sch. 1 Pt. II para. 1](#))

Marginal Citations

M16 [1990 c. 42](#).

12 Policy development grants.

(1) For the purposes of this section—

(a) “a policy development grant” is a grant to a represented registered party to assist the party with the development of policies for inclusion in any manifesto on the basis of which—

(i) candidates authorised to stand by the party will seek to be elected at an election which is a relevant election for the purposes of Part II, or

(ii) the party itself will seek to be so elected (in the case of such an election for which the party itself may be nominated); and

(b) a registered party is “represented” if there are at least two Members of the House of Commons belonging to the party who—

(i) have made and subscribed the oath required by the ^{M17}Parliamentary Oaths Act 1866 (or the corresponding affirmation), and

(ii) are not disqualified from sitting or voting in that House.

(2) The Commission shall submit recommendations to the Secretary of State for the terms of a scheme for the making by the Commission of policy development grants.

(3) Where the Secretary of State receives recommendations under subsection (2), he shall make an order setting out such a scheme in terms which, with any modifications he considers appropriate, give effect to the recommendations.

(4) The scheme shall, in particular, specify or provide for the determination of—

(a) the parties eligible for policy development grants, and

(b) how any money provided to the Commission for the making of policy development grants is to be allocated between the parties eligible for such grants.

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- (5) The Commission shall keep under review the terms of any scheme under this section and shall make recommendations to the Secretary of State for any variations to the scheme which they consider appropriate.
- (6) Where the Secretary of State receives recommendations under subsection (5), he shall make an order giving effect, with any modifications he considers appropriate, to the recommendations.
- (7) Where any such modifications as are mentioned in subsection (3) or (6) would result in an order under that subsection giving effect with modifications to any recommendations of the Commission in respect of either of the matters mentioned in subsection (4), the order shall not be made without the agreement of the Commission to the modifications so far as relating to those matters.
- (8) The Commission shall make such grants as are provided for under any scheme under this section, and any such grants may be made subject to such conditions as (consistently with the terms of the scheme) the Commission consider appropriate; but nothing in such a scheme shall have effect to authorise the Commission to make in any financial year more than £2 million in policy development grants.
- (9) The Secretary of State may by order made with the consent of the Treasury vary the sum for the time being specified in subsection (8).

Commencement Information

I8 S. 12 wholly in force at 16.2.2001; s. 12 partly in force at Royal Assent, see s. 163(3); s. 12 in force at 16.2.2001 by [S.I. 2001/222](#), art. 2, [Sch. 1 Pt. I](#) (subject to transitional provisions in [Sch. 1 Pt. II](#))

Marginal Citations

M17 1866 c. 19.

13 Education about electoral and democratic systems.

- (1) The Commission shall promote public awareness of—
 - (a) current electoral systems in the United Kingdom and any pending such systems, together with such matters connected with any such existing or pending systems as the Commission may determine;
 - (b) current systems of local government and national government in the United Kingdom and any pending such systems; and
 - (c) the institutions of the European Union.
- (2) For the purposes of subsection (1) any system such as is mentioned in paragraph (a) or (b) of that subsection is pending at a time when arrangements for giving effect to it have been made by any enactment but the arrangements are not yet in force.
- (3) Subsection (1) does not apply in relation to local government elections, or to local government, in Scotland; but in paragraph (b) of that subsection the reference to national government includes (in addition to the government of the United Kingdom) the government of parts of the United Kingdom for which there are devolved legislatures.
- (4) The Commission shall perform their functions under subsection (1) in such manner as they think fit but may, in particular, do so by—

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- (a) carrying out programmes of education or information to promote public awareness of any of the matters mentioned in subsection (1); or
 - (b) making grants to other persons or bodies for the purpose of enabling them to carry out such programmes.
- (5) Any grant under subsection (4)(b) may be made subject to such conditions as the Commission consider appropriate.
- (6) The total expenditure incurred in any financial year by the Commission in performing their functions under subsection (1) (whether by making grants or otherwise) shall not exceed such sum as is for the time being specified for the purposes of this subsection by an order made by the Secretary of State with the consent of the Treasury.
- (7) The Scottish Ministers may by order provide that, despite subsection (3), the Commission may perform the functions conferred by this section in relation to local government elections, or to local government, in Scotland.
- (8) Subsection (6) shall not apply to the expenditure incurred by the Commission in performing their functions exercisable by virtue of an order made by the Scottish Ministers under subsection (7); but such expenditure shall not exceed such sum as is for the time being specified for the purposes of this subsection in an order made by the Scottish Ministers.
- (9) The Scottish Ministers shall reimburse the Commission for any expenditure incurred by them which is attributable to the exercise of any of functions mentioned in subsection (8).
- (10) Section 156(5) shall apply to an order made by the Scottish Ministers under this section as it applies to an order made by the Secretary of State under this Act and the reference in that section to enactments shall include a reference to any enactment comprised in or in an instrument made under an Act of the Scottish Parliament.
- (11) The power of the Scottish Ministers to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.

Commencement Information

19 S. 13 wholly in force at 1.7.2001; s. 13 partly in force at Royal Assent, see s. 163(3); s. 13 in force at 1.7.2001 by S.I. 2001/222, art. 4, **Sch. 2 Pt. I** (with **Sch. 2 Pt. II para. 1**)

Status:

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Changes to legislation:

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