

*These notes refer to the Elections Act 2001 (c.7)
which received Royal Assent on 10 April 2001*

ELECTIONS ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

England and Wales

Section 1: Postponement of local government elections in England and Wales.

17. *Section 1* provides for local government elections in England and Wales to be postponed.
18. *Subsection (1)* provides that where the ordinary date of election would otherwise have been 3 May 2001, it is postponed to 7 June 2001. Section 203(1) of the Representation of the People Act 1983 defines “local government election”, and section 37(1) of that Act sets the ordinary day of election.
19. *Subsection (2)* provides that any by-elections to fill casual vacancies which would otherwise have been held in the period 3 May - 6 June 2001, will take place on 7 June 2001.
20. *Subsection (3)* provides that a person validly nominated as a candidate at an election which has been postponed need not be nominated again. This is to be the case even though the timetable for matters including nomination under rule 1 of the election rules will work by reference to the postponed election date. The election rules are contained in Schedule 2 to the [Local Elections \(Principal Areas\) Rules 1986 \(S.I. 1986/2214\)](#).
21. *Subsection (4)* provides that in cases where a candidate has been declared elected because the number of nominations does not exceed the number of vacancies at the close of nominations for 3 May, (or after the last time for withdrawal of nominations) such a declaration will have no effect. However, the effect of subsection (5) is that if, after the last time for withdrawal of nominations for the election on 7 June, the election is still uncontested the person may be declared elected.
22. *Subsection (6)* deals with councils' annual meetings. Schedule 12 to the Local Government Act 1972 provides that in years in which they have no ordinary elections councils are required to hold an annual meeting in March, April or May. This is extended to include June so that it can, if the council wishes, be held after any postponed by-elections to fill casual vacancies have been held.
23. *Subsection (7)* increases the election expenses limits of all candidates in the postponed elections (whenever they were nominated) by 50%.

Northern Ireland

Section 2: Postponement of local elections in Northern Ireland

24. *Section 2* provides for local elections in Northern Ireland to be postponed from 16 May 2001 to 7 June 2001. (Subsection (1)).

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25. *Subsection (2)* makes corresponding provision for Northern Ireland to that made for England and Wales by section 1(3). Northern Ireland local elections rules are contained in Schedule 1 to the Electoral Law Act (Northern Ireland) 1962.
26. *Subsection (3)* increases the election expenses limits of all candidates in the postponed elections (whenever they were nominated) by 50%.

Section 3: Combination of polls

27. *Section 3* enables a combined poll to be held in Northern Ireland.
28. *Subsection (1)* extends section 15 of the Representation of the People Act 1985 to Northern Ireland. This requires that the polls of two or more elections which are held on the same day must be combined. That is to say, the voters shall be able to attend the same polling place and use the same polling station to cast their votes for two or more elections at the same time. This extension also ensures that the power specified in section 15(5) to make amendments to the Representation of the People Acts in relation to combined elections are applicable to Northern Ireland.
29. *Subsection (4)* extends the power in section 84 of the Northern Ireland Act 1998 to make provision by Order in Council to include the power to make provision with respect to polls at local elections when those elections are combined with the polls at other elections in Northern Ireland.

Section 4: Modification of election provisions

30. The rules governing the conduct of parliamentary elections are set out in the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983. The rules governing the conduct of local elections in Northern Ireland are set out in the local elections rules in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, as substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985. Changes to the existing rules in respect of combining parliamentary and local elections are set out in the Schedule to the Act. These are dealt with in detail below.

Section 5: Finance

31. If there are combined elections in Northern Ireland on 7 June, the cost of the combined poll will under exceptional arrangements applied by subsection (1) come from the Consolidated Fund.
32. *Subsection (2)* overrides provision by which the costs of combination are split between the Consolidated Fund and the District Councils, as specified in section 15(4) of the Representation of the People Act 1985.
33. *Subsection (3)* applies section 29(3) of the Representation of the People Act 1983 (which specifies that the returning officer's charges are paid from the Consolidated Fund) to combined elections on 7 June.
34. *Subsection (4)* applies the [Parliamentary Elections \(Returning Officer's Charges\) \(Northern Ireland\) Order 1997 \(S.I. 1997/774\)](#) to combined elections if they are held on 7 June.
35. *Subsection (5)* amends the Schedule to that Order so that the figures are raised by specified amounts if there is a combined election on 7 June for this one election, to take account of the extra work caused by combining the polls.

General

Section 6: Compensation

36. *Section 6* allows the Secretary of State to set up a scheme to compensate local authorities and candidates for any additional expenditure incurred as a result of this Act and to make payment accordingly. In the case of candidates of registered political parties compensation can be paid to the parties rather than the candidates.

Section 7: Consequential provision

37. *Section 7* enables the Secretary of State, by means of a statutory instrument subject to the negative resolution procedure, to make such consequential, transitional or supplemental provision as he considers appropriate as a result of this Act or any provision under it.

Schedule

Northern Ireland: Modification of Election Provisions

38. The following paragraphs of the Schedule amend the parliamentary elections rules (as set out in Schedule 1 to the Representation of the People Act 1983) and the local elections rules (as set out in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962) in the event of a parliamentary election being combined with a local election. These amendments ensure that necessary measures are taken to differentiate between the two elections and that procedures allow for the combination of two polls.
39. The ballot papers for each election must be of a different colour to those used at another election being held at the same time. This includes the requirement that the colour of the ballot papers must be different to the colour of the tendered ballot papers (*paragraphs 2 and 15*).
40. The publication of notice of a combined election shall state that the poll for that election will be taken together with the poll for another election (*paragraph 3 and 16*). In the event of a combined election, the returning officer (i.e. the Chief Electoral Officer) may choose to issue just one poll card, rather than issuing separate poll cards for each election (*paragraphs 4 and 18*).
41. Information posters indicating the manner of voting at each election must be located prominently in the polling station and they must be colour-coded to relate to the appropriate ballot paper (*paragraphs 5 and 19*).
42. The statutory questions which may be put to confirm the identity of voters at the polling station are to be modified so that separate questions must be asked in respect of each election (*paragraphs 6 and 20*).
43. The presiding officer may use a single copy of the electoral register for both elections, rather than one for each; marking the register must be as usual for those who are given ballot papers for both elections, but if a voter takes only one ballot paper, the register is marked to indicate the election to which that ballot paper related (*paragraphs 7 and 21*). Likewise, the list of people whose votes are marked by the presiding officer, the list of people with disabilities who are given assistance at the ballot box and the list of people who receive a tendered ballot paper must also be marked in a way which either indicates that the voter voted in both elections or denotes the one election in which the voter voted (*paragraphs 8-10 and 22-24*).
44. The presiding officer's tasks at the close of the poll (namely, drawing up the ballot paper accounts and packaging up the spoilt and unused ballot papers, tendered ballot papers and ballot paper counterfoils) are amended to indicate that each task has to be done separately in respect of each election (*paragraphs 11 and 25*).

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45. The local election count must take place on the morning of the second day after the poll, excepting weekends and bank holidays, to give time for the parliamentary count to take place (*paragraph 26*). Before the start of the parliamentary count, the ballot boxes for both elections must be opened and any parliamentary ballot papers removed from the local election ballot boxes and any local election ballot papers removed from the parliamentary ballot boxes (*paragraphs 12 and 27*).
46. The rules governing the countermand or abandonment of the poll on the death of a candidate are modified so that they relate only to the relevant election at a combined poll. The death of a candidate in one election does not therefore affect the continuation of the other election. The rules governing the tasks of the returning officer in the event of the death of a candidate are also amended so that the one election may not be affected by the abandonment or countermand of the other (*paragraphs 13 and 28*).
47. New forms are also introduced for Declarations of Identity in the event of a combined poll. (*paragraphs 30(4) and 31*).
48. Part IV (*paragraphs 32-34*) specifies the powers by which the amendments contained in this Schedule may be replaced or modified.